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THE PERSIAN GULF HOSTAGES:
A CASE STUDY IN TERRORISM, DIPLOMACY, AND STRATEGY

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SEMINAR ON CRISIS MANAGEMENT

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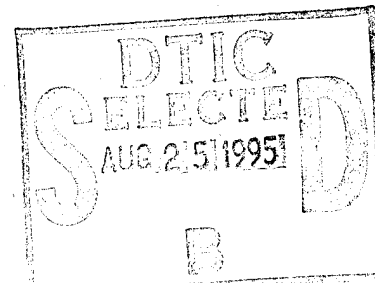
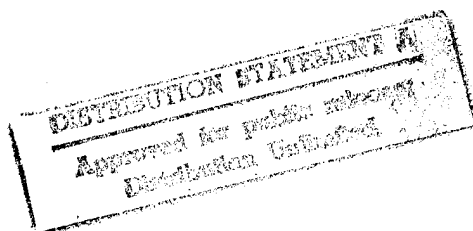
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To Professor Aryeh Blumberg

Friend, and Inspiration

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INTRODUCTION

The Persian Gulf Hostage Crisis began on 09 August 1990, one week after Iraq's invasion of Kuwait, with the Iraqi announcement that thousands of Americans and other foreigners stranded in Iraq would not be permitted to leave.¹ Iraq's invasion of Kuwait caught most U.S. policy makers and other international political observers by surprise and marked the beginning of the pre-crisis phase.² The hostage crisis continued through 06 December 1990, when Saddam announced the release of all foreigners. The post-crisis phase, consisting of the Persian Gulf War, cease-fire, and ongoing attempts to force Iraq to fully comply with all United Nations resolutions, has provided the setting for the next hostage crisis, given the willingness of the Iraqi government, again last month, to take Americans hostage.

The writings on the Persian Gulf War are, after four years, quite extensive. Most books provide analysis of the crisis background and conduct, as well as its potential implications for both America's role in, and the international community's response to, future global security. At the same time, most of the literature presents only a cursory

¹*The New York Times*, 10 August 1990, p. A1.

²The invasion of all of Kuwait caught U.S. policy-makers by surprise. Most believed that if Saddam crossed the border into Kuwait, it would be only to seize the islands of Bubiyan and Warbah and/or to extend the border with Kuwait south to include the disputed Rumalia oil fields.

treatment of the hostages in the crisis, most likely because they seemed to be an ancillary issue at best—they were released before the "big guns" of January were brought to bear on Iraq's army.³ Most books on the crisis contain only a paragraph or two of speculation about the reasons why Saddam detained foreigners and then, four months later, released them, to the surprise of the world.⁴ Most suggest it was part of his "irrational" nature or another example of the flawed decision making that characterized his policies throughout the crisis.⁵

The purpose of this paper is to analyze the taking of hostages as a crisis in itself, and to present some of the problems posed for crisis managers in dealing with hostage-taking, using the Persian Gulf Crisis as a case study. The role of politics, diplomacy, negotiation, international law, international institutions, the media, and crisis management tools and constraints are discussed. The policies pursued by the Bush Administration and by Saddam Hussein are the primary focus. The discussion is limited to assessing American and Iraqi actions, responses, and rationales with respect to the hostages, within the

³The exception is: Tim Lewis, *The Human Shield: British Hostages in the Gulf and the work of the Gulf Support Group*, with Josie Brooks (Lichfield, Staffordshire: Leomansley Press, [1991]).

⁴A remark illustrative of much of the writing on this subject is: "One of the great mysteries of the crisis was Saddam's release of the 'foreign guests.'" Paul K. Davis and John Arquilla, *Deterring or Coercing Opponents in Crisis: Lessons from the War with Saddam Hussein*, R-4111-JS (Santa Monica, CA: RAND, 1991), 23 note 22.

⁵The author originally intended to write on the Persian Gulf Crisis generally. However, the nearly universal surprise and puzzlement by analysts of the Crisis regarding Saddam's release of the hostages led to the formulation of a different research question: why did Saddam release the hostages, never giving the "human shields" a chance to deter Coalition attacks?

context of the larger crisis created by the seizure of Kuwait by Iraq.⁶ Thus, the analysis is of a crisis *within* a crisis, a situation that may increasingly characterize post-Cold War crises.

Hopefully, the result will shed some light on questions which have been quite puzzling: why Saddam took the hostages; why women and children, and other selected groups of hostages were released in the middle of the crisis; why the hostages were at times treated badly and at other times very well; why the United States downplayed the situation at first, then expressed increasing dismay over the hostages; and why the hostages were released in early December.

⁶To simplify the analysis, the differences between the policies pursued by different members of the alliance are minimized, except where relevant to the hostage crisis. The focus of the paper is on United States and Iraqi decision making in crisis; other players are introduced only where they impact on that nexus, especially with respect to the other members of the Security Council. Further, long sections dealing with individual players' historical policies, attitudes, psychological makeups, and the like are dispensed with in order to focus on the events at hand and, in following Thucydides' example, to allow the reader himself to judge from the words and actions of the decision makers.

DIPLOMACY AND POLITICS: THE PRE-CRISIS PHASE

We may further adde, the insatiable appetite, or *Bulimia*, of enlarging Dominion; with the incurable *Wounds* thereby many times received from the enemy; And the *Wens*, of ununited conquests, which are many times a burthen, and with lesse danger lost, than kept; . . .

—Hobbes, *Leviathan*, 174

Iraqi forces entered the outskirts of Kuwait City at 0200 local Kuwait time, 02 August 1990. Within 12 hours the invading forces controlled all key government buildings as well as the airport and central bank. At 0600, Baghdad Radio announced that the corrupt Kuwaiti government had been overthrown by a group of Kuwaitis.⁷ The invasion marked the beginning of the Persian Gulf Crisis, the origins of which can be traced as far back as the partition of the Ottoman Empire following World War I and subsequent granting of independence to Kuwait, and at least as recently as to the end of the eight-year Iran-Iraq War in 1988.

By invading Kuwait, Saddam grossly underestimated the world's concern about the stability of its oil supply. Although possession of Kuwait's oil reserves would not have enabled Saddam to unilaterally control the world market for oil, what was of concern to the oil-dependent industrial economies was the prospect of having such a large proportion of the reserves in the hands of a man at the head of a totalitarian state with the will to seek

⁷Lewis, 17.

regional hegemony through aggression. By taking and holding Kuwait, Saddam stood to increase Iraq's control of the world's proven oil reserves from 11 to 21 percent.⁸

The invasion, however, marks only the beginning of the pre-crisis phase with respect to the hostage crisis. Between 02 and 09 August, most foreigners who attempted to cross the border into Saudi Arabia or Jordan either found the border crossings open, or were permitted, even encouraged, to flee the country. It was during the first week, the time of uncertainty, when policies were considered and adopted which would either escalate or deescalate the conflict, and which determined the fate of the foreigners caught in the Iraqi invasion. The reaction of the world, and especially the United States, to the invasion of Kuwait was absolutely critical in determining Saddam's stance, and thus the status of the thousands of third-State nationals trapped in Kuwait and Iraq.

The Time of Uncertainty

Walid Saud Abdullah, an Iraqi official who became the foreign minister of the provisional government of Kuwait following the invasion, on 05 August 1990 gave the first indication to the press that foreigners might not be allowed to leave:

Countries that resort to punitive measures against the provisional free Kuwait government and fraternal Iraq should remember that they have interests and nationals in Kuwait. These countries should not expect us to act honorably at a time when they are conspiring against us and other brothers in Iraq in an aggressive way.⁹

⁸Information on oil reserves is presented in appendix A.

⁹*NYT*, 06 August 1990, p. A1.

The following day, in an interview with the American Chargé d'Affaires, Joseph Wilson, Saddam indicated that foreigners might be prevented from leaving.¹⁰

Policy: Protect American Lives

Indeed, the Administration was considering the fate of the Americans in Iraq and Kuwait on the very day of the invasion. From the outset, President Bush made the protection of American citizens "a fundamental responsibility of [his] Presidency."¹¹ The President pledged his commitment to the safety of the Americans in Iraq and Kuwait on 05 August, saying: ". . . you know how I feel about the protection of American life and willingness to do whatever is necessary to protect it."¹² On the same day, the President used a reinforced rifle company of Marines to evacuate 59 Americans from the U.S. Embassy in Liberia, after a rebel leader threatened to start taking prisoners. Three days later, during the announcement that he was sending troops to defend Saudi Arabia, he repeated that protection of the lives of American citizens abroad was *one of four*

¹⁰Saddam stated that "there is a ban on travel that applies to everyone, Iraqis and foreigners, in Iraq and Kuwait" and also suggested a quid pro quo of allowing foreigners to leave in exchange for an assurance of the U.S. not attacking. "Text of the meeting between Iraqi President Saddam Hussein and American Chargé d'Affaires Joseph C. Wilson IV on August 6, 1990, as released by the government of Iraq," cited by Elaine Sciolino, *The Outlaw State: Saddam's Quest for Power and the Gulf Crisis* (New York: John Wiley & Sons, 1991), 291-92. Wilson acknowledged the Iraqi version to be "essentially accurate, but that some of his comments were omitted, others were added, and some of Saddam's comments were enhanced." Sciolino, 272.

¹¹George Bush, *Public Papers of the President of the United States* (Washington: Office of the *Federal Register*, National Archives and Records Administration, 1991), George Bush, Book II—July 1 to December 31, 1990, 02 August 1990, 1087.

¹²*Ibid.*, 1101.

principles of his Gulf Crisis policy.¹³ President Bush's commitment to protect the foreigners in Iraq and Kuwait thus seemed to indicate that he would do everything possible to seek their release.

The pre-crisis phase was characterized by a gradual escalation of tension between Iraq and the United States, as uncertainty about America's response to the invasion initially prevailed. Unlike the American hostages taken in Tehran in 1979, the situation of the Americans caught in Iraq and Kuwait after the invasion was not a foregone conclusion. Many foreigners escaped across the desert into Jordan, and there was considerable disagreement about whether the rest would find their way out or would be allowed to leave. During the first week, the border was not well patrolled because Iraqi units were not yet in place. Moreover, prior to the announcement that American troops would be deployed to Saudi Arabia, the Iraqi government was anxious to placate Western opinion, and allowed fleeing persons to leave.¹⁴ As part of his effort to placate Western governments, Saddam on 04 August announced that Iraqi forces were beginning to pull out of Kuwait. Even some of Saddam's own soldiers took his statements at face value, and expected to be going home.¹⁵

The situation of the Americans potentially trapped in Iraq and Kuwait was not, however, the Administration's primary worry. Rather, a myriad of other concerns—

¹³ See text at note 19 below.

¹⁴ The Iraqis during the first few days after the invasion were "being very friendly and waved people through the border posts." Lewis, 38.

¹⁵ Ibid., 72.

concerns which threatened the vital interests of the United States as perceived by the President and his tightly-knit group of advisors in the highest policy-making echelons of the Administration—were placed at the top of the policy agenda. Those most frequently expressed included that: (1) Saddam might continue into Saudi Arabia, America's primary Middle Eastern oil supply; (2) higher oil prices would adversely affect the American economy, beginning to recover from a recession; (3) blatant violation of the sovereignty of a member of the United Nations by another member would threaten the "new world order" embodied in President Bush's foreign policy and the UN Charter; (4) the United States needed to show resolve in restraining aggressive nations in the aftermath of the Cold War; (5) the regional balance of power might be upset; and (6) the U.S. was historically committed to the preservation of order in the Middle East.¹⁶

¹⁶The President alluded to all six of these reasons in his address to the nation of 08 August:

... Let me be clear, the sovereign independence of Saudi Arabia is of vital interest to the United States.

... I'm asking the oil companies to ... exercise restraint and not abuse today's uncertainties to raise prices.

... Iraq's tanks stormed in *blitzkrieg* fashion. ... There is no justification whatever for this outrageous and brutal act of aggression.

... No one ... should underestimate our determination to confront aggression.

... To assume Iraq will not attack again would be unwise and unrealistic.

... My Administration, as has been the case with every President from President Roosevelt to President Reagan, is committed to the security and stability of the Persian Gulf."

A pair of coincidences facilitated a quick, forceful response from President Bush. On 03 August he travelled, as previously planned, to Woody Creek, Colorado, for a meeting with Prime Minister Margaret Thatcher of Great Britain. Mrs. Thatcher took a hard line stance against the Iraqi move from the outset—certainly a comfort to the President, who would have at least one staunch ally during the conflict. Secretary of State Baker and Soviet Foreign Minister Shevardnadze were together on the very day of the invasion, which enabled them to prepare a joint U.S.–Soviet statement condemning the invasion and calling for an immediate arms embargo on Iraq.¹⁷

Acknowledging that the invasion of Kuwait presented a threat to America's vital interests, the Administration chose escalation rather than negotiation. Escalation was accomplished using a variety of crisis management tools ranging from economic penalties to force deployments. It was not a gradual escalation or carrot-and-stick approach; rather, the President staked out an immediate unconditional policy of opposing the invasion and demanding Iraqi withdrawal from Kuwait. Specifically, the Administration froze Iraqi assets (02 August), gathered support from world leaders (daily from 02 August), condemned the invasion and imposed economic sanctions through the United Nations (06 August), ordered the deployment of military forces to Saudi Arabia (06 August), and committed the U.S. to a policy requiring a return to the *status quo ante* in Iraq and Kuwait (08 August).

¹⁷A brief description of the meeting between Baker and Shevardnadze is presented in: Michael R. Gordon and General Bernard E. Trainor, *The General's War: The Inside Story of the Conflict in the Gulf* (Boston: Little, Brown & Co., 1995), 35.

The Bush Administration decided early on to take an unambiguous stand. On 05 August, the same day that the representative of the provisional government of Kuwait had indicated that foreigners might not be allowed to leave, the President declared that the installation of a puppet regime was unacceptable and that the invasion would "not stand. This will not stand, this aggression against Kuwait."¹⁸ Two days later, the United States military mobilized thousands of troops, an unambiguous signal to Saddam that any attack on Saudi Arabia would entail a direct confrontation. On 08 August, the President made his policy goals clear: (1) the "immediate unconditional and complete withdrawal" of all Iraqi forces; (2) the restoration of the legitimate Kuwaiti government; (3) the maintenance of the security and stability of the region; and (4) the protection of American citizens abroad.¹⁹

Indeed, the President moved so quickly and forcefully in responding to the invasion that many critics contend that he never gave the Arabs a chance to resolve the crisis by themselves. On 05 August, three days following the invasion, he said:

Well, I was told by one leader that I respect enormously . . . that they needed 48 hours to find what was called an Arab solution. That obviously has failed. And of course I'm disappointed that the matter hasn't been resolved before now.²⁰

The announcement that he had given Arab leaders 48 hours to resolve the situation was more rhetoric than reality—President Bush had decided that American involvement would be far-reaching. He had begun an unprecedented lobbying effort designed to construct a

¹⁸Bush, 1102.

¹⁹Ibid., 1108.

²⁰Ibid., 1102.

worldwide coalition opposed to the invasion even before the Arab proposals had failed. Critics of the Administration's swift reaction, however, must acknowledge that Saddam could have easily seized the major oil fields of Saudi Arabia had he continued past Kuwait.²¹ In either case, the President was in no mood for compromise—the "wimp factor" was dispelled. The *New York Times* reported on 06 August that the President was variously "mad, testy, peevish . . . and spleen-venting. . . . usually circumspect and full of diplomatic euphemisms, [Mr. Bush] was visibly furious."

The President, moreover, acted quickly to add the legitimacy of world opinion to his position.²² Three of the thirteen United Nations resolutions enacted between the invasion and the cease-fire were passed, without a dissenting vote.²³ Resolution 660, condemning the invasion, was passed on the day of the invasion by a vote of 14 in favor. Resolution 661, imposing mandatory sanctions, was passed on 06 August by a vote of 13 in favor. Resolution 662, regarding the non-validity of the Iraqi annexation of Kuwait, was passed on 09 August by a unanimous vote. None of these resolutions contained

²¹Had Iraq been able to seize control of the Saudi oil fields as well as those of Kuwait, Saddam would have controlled 49 percent of the world's proven reserves. See appendix A.

²²The President stated on 08 November that: "I think one of the major successes [of U.S. policy in the Persian Gulf Crisis] has been the ability to have world opinion totally on our side because of U.N. action." Bush, 1582.

²³Throughout the hostage crisis, the 10 non-permanent members of the Security Council were: Canada, Colombia, Côte d'Ivoire, Cuba, Ethiopia, Finland, Malaysia, Romania, Yemen, and Zaire. Yemen abstained from voting on resolution 660. Cuba and Yemen abstained from voting on resolution 661.

language pertaining to the foreigners in Iraq and Kuwait—their status was as yet uncertain.

Given the United States' policy toward Iraq during the Iran-Iraq War and in the months prior to the invasion, the forceful response of the Bush Administration to the invasion of Kuwait was most likely as great a surprise to Saddam as the invasion itself was a surprise to the highest policy-making officials in the United States.²⁴ Saddam's policy towards foreigners during the first few days indicates that he had intended to let them go, so long as his seizure of Kuwait was not met with overly much resistance from the world. Certainly, if the United States, the countries of the West, the Arab League, and others had accepted the *fait accompli* which Saddam attempted to present to them, the foreigners would have been permitted to leave.

It was in response to the American and British strong public denunciation of the invasion, the United Nations sanctions, and the beginning of military deployments to Saudi Arabia and the Gulf that Saddam decided to close the borders to foreigners attempting to leave. Certainly, the Administration was aware that its response to the invasion (the larger crisis) would affect Saddam's calculus with regard to the foreigners (the smaller, still developing, crisis).

²⁴The United States' support of Iraq during the Iran-Iraq War, Bush Administration resistance to Congressional restrictions on trade with Iraq, the absence of firm signalling to Iraq that a move into Kuwait would not be tolerated, Saddam's beliefs about the American stomach for war after Vietnam, and the ambiguous signals given Saddam during the controversial meeting with Ambassador Glaspie, all contributed to Saddam's belief that the risk of a response such as he actually got from the United States was probably quite low. These issues are well-documented in the academic writings on the origins of the Persian Gulf War.

Policy: Downplay the Hostage Situation

Although the Administration's policy with regard to the larger crisis was made perfectly clear on 08 August, its stance towards the foreigners in Iraq was ambiguous; even hopeful.²⁵ During his news conference the same day, the following exchange took place:

Q: Mr. President, there are several dozen Americans in Baghdad apparently not able to leave and perhaps hundreds more in Kuwait. . . . In view of the extreme political sensitivity of Americans towards this whole question of hostages, why should not Saddam Hussein feel that he holds very high cards now in dealing with the United States?

A: Well, I've been encouraged that there had been—have been actually announcements, I believe, saying people were free to leave. . . . I want to see them out of there, obviously. *But what he does, that's a bit unpredictable* [italics mine].²⁶

President Bush would not let the uncertain situation of the Americans in Iraq and Kuwait hinder his response to the certain threat to the vital interests of the United States in the Middle East.

Although the Administration's public pronouncements of its policy goals regarding the larger crisis presented by the invasion included protection of the Americans in Iraq and Kuwait, the possibility of their being held for political reasons was downplayed.

Continuing to hope for their release, the Administration initially embarked upon a policy

²⁵During the news conference of 08 August, the President responded to questions regarding reports that Iraq would let Americans go by saying he "hope[d] they're telling the truth" and he "hope[d] this would then apply to Americans." Bush, 1112.

²⁶Ibid., 1110.

of refusing to acknowledge that they may indeed be held as hostages, as bargaining chips held by Saddam to influence United States policy.²⁷

President Bush downplayed the situation of the Americans potentially trapped in Iraq and Kuwait in all of his public speeches and news conferences during the hostage pre-crisis phase. His rationale for doing so was made explicit for the first time on 10 August:

I'm not going to invite further harassment by elevating the value of any citizen. . . . But as we've seen with hostage situations—and *I don't think this is one—* sometimes it's very difficult [*italics mine*].²⁸

Downplaying the predicament of the foreigners was thus part of a policy which still held out some hope for their early release. The strategy was designed both to deflect media attention and to prevent Saddam from taking any benefit from the hostages. The next day, Secretary of State Baker echoed Administration rationale in not acknowledging that a "hostage" situation existed:

Well, nothing has been demanded or asked in connection with permitting them to leave the country, for one thing. And we think it would be a mistake to characterize it as a hostage situation and to use a word like that since we are in discussion with respect to the matter. And as far as we know, no American citizens have as yet been mistreated.²⁹

Iraq's Foreign Minister, Tariq Aziz, also resisted characterizing the foreigners being detained as "hostages," albeit for different reasons. On 10 August, the *New York Times*

²⁷Brent Scowcroft, the National Security Adviser to the President, indicated that the downplaying of the potential hostage situation was a deliberate aspect of U.S. policy, stating that "had we made a big fuss about it—it would have been worse." Brent Scowcroft, telephone interview by author, 10 April 1995.

²⁸Bush, 1120.

²⁹Ibid., 1126.

quoted Mr. Aziz as saying that "hostages do not stay at hotels, drink beer and enjoy their lives."

Saddam Hussein's failure to release foreigners during the hostage pre-crisis phase, in the face of mounting international pressure, could have been predicted and was considered a possibility from the outset. For Saddam, from the beginning of his rule, the most important goal had been to maintain himself in power. He demonstrated his proclivity for terrorist actions throughout his entire career—in the bloody political coups within the Ba'ath Party; in the use of chemical weapons against the Iranians and Kurds; and in the support for international terrorist organizations. He repeatedly referred to the inability of the United States government to take decisive action because of its sensitivity to public opinion, and believed that Vietnam-era Americans at home and in Congress would be unwilling to fight, given certain attitudes which he felt that he could create.³⁰ One of these attitudes was a milieu of fear provoked by terrorist actions such as hostage-taking.

President Bush's massive deployment of troops, together with his unyielding public posture stipulating a return to the *status quo ante*, cornered Iraq and confronted Saddam with the prospect of a worldwide coalition allied against him in the first few days following the invasion. Abandoned by his Arab allies, he was isolated; the foreigners were a bargaining chip, a high card which he could threaten to use in forcing the world to

³⁰Saddam took "at face value the popular post-Vietnam perception in the Third World of America as a paper tiger . . ." Amatzia Baram, "The Iraqi Invasion of Kuwait: Decision-making in Baghdad," in Amatzia Baram and Barry Rubin, eds., *Iraq's Road to War* (New York: St. Martin's Press, 1993), 27.

accept the annexation of Kuwait as a *fait accompli*.³¹ Downplaying their plight, in the context of taking a hard line position against an outlaw state led by Saddam Hussein, was indeed a policy of "hope" at best.

³¹Edwin Davis, an American whose daughter and two grandchildren were trapped in Kuwait, summed up the position of the 'man-on-the-street' as follows: "They are keeping Americans for their own security, for Iraqi safety. This is their ace in the hole. I don't think they will let them loose until something is settled." *NYT*, 10 August 1990, p. A9.

POLITICS AND INTERNATIONAL LAW: THE CRISIS PHASE

The most complete and happy victory is this: to compel one's enemy to give up his purpose, while suffering no harm oneself

—Belisarius

Introduction: Terrorism as a Revolutionary Policy

In the opening chapter of his book, *A World Restored*, Henry Kissinger discusses the concept of a "legitimate" international order. A legitimate international order consists of an agreement or framework that delimits the acceptable range of state policy or behavior. The Great Powers typically have assumed some responsibility for maintaining the order, though "outlaw states and their rogue leaders refuse to accept and abide by some of the most important norms and practices of the international system."³² Wars are fought to safeguard the structure, in which classic diplomacy functions through negotiation. Negotiation in the classic sense breaks down when powers exist which are "outside" the system, however, because their goals are not bounded by resolution of differences within the legitimate framework; rather, they are characterized by opposition to *the system itself*. Such is the nature of the "revolutionary" state. Diplomacy is unable to function in such an environment; "good faith" and the "willingness to come to an

³²Alexander L. George, *Bridging the Gap: Theory and Practice in American Foreign Policy* (Washington: United States Institute of Peace Press, 1993), 49.

agreement" cannot exist between parties to a negotiation who cease to speak the same language.

Powers whose memories do not contain the experiences of recent war tend to fail to come to grips with the true aims of the revolutionary power. They embark on a policy of appeasement—with disastrous results. Such powers

find it nearly impossible to take at face value the assertion of the revolutionary power that it means to smash the existing framework. The defenders of the status quo therefore tend to begin by treating the revolutionary power as if its protestations were merely tactical; as if it really accepted legitimacy but overstated its case for bargaining purposes; as if it were motivated by specific grievances to be assuaged by limited concessions.³³

The hostages were used by Saddam for both tactical and strategic purposes, but ultimately to serve a political goal—to undermine the Coalition's will. If successful, such a policy would not only have prevented the world from expelling Iraq from Kuwait, but would have dealt yet another blow to the future effectiveness of the United Nations.

At least part of the reason why Saddam's ploy was not successful, however, was that several of the leaders of the Coalition had experienced war on a grand scale firsthand, and recognized Saddam's policy for what it was—a threat to the legitimate world order by a revolutionary power. The support of several Arab states in the United Nations provided the Coalition with international legitimacy—it was not the familiar "forces of imperialism against the Third World" story.

³³Henry Kissinger, *A World Restored: Europe after Napoleon* (Gloucester, MA: Houghton Mifflin Co., 1957), 3.

The Hostage Crisis Begins: Crisis "Trigger" and Definition

The hostage crisis began on 09 August 1990, when Iraq announced that more than 1.3 million foreigners, including some 3,100 Americans, would not be allowed to leave.³⁴ The Bush Administration could no longer credibly "hope" that Saddam would permit them to go. Although both sides continued to refrain from calling the persons being detained "hostages," this was the first official announcement by the Iraqi government that they might not be permitted to leave.³⁵ The announcement triggered a flurry of diplomatic activity as the hostage crisis "threshold" was surpassed.³⁶ Semantics aside, Iraq had embraced a terrorist policy without precedent.³⁷

The onset of the hostage crisis was accompanied by "action-reaction-response" diplomacy, during which each side responded to the other's escalatory moves with further

³⁴A chronology of the hostage crisis is presented in appendix B.

³⁵The *American Heritage Dictionary* defines a hostage as "A person held as a pledge that certain terms will be fulfilled." Although, publicly, no specific terms were given for their release, both hostage treatment and release prospects depended upon the degree of cooperation which Saddam perceived from individual Coalition nations (see text at note 59 below).

³⁶The diplomatic "tit-for-tat" fits a pattern of crisis described by: "The crisis starts with the clash of specific challenge and resistance moves that push tension over the crisis 'threshold' . . ." Glenn H. Snyder and Paul Diesing, *Conflict Among Nations: Bargaining, Decision-Making, and System Structure in International Crisis* (Princeton: Princeton University Press, 1977), 18.

³⁷Information on the estimated numbers of nationals from various countries in Iraq and Kuwait at the time of the invasion are presented in appendix C. Even before the announcement, some Iraqi actions indicated Saddam's intentions. On 08 August, a convoy of 250 Westerners attempted to cross the border into Saudi Arabia. Four of the vehicles were stopped by Iraqi soldiers and directed to the new Iraqi army headquarters. The vehicles' occupants, twenty of them, were then taken directly to strategic sites, becoming some of the first "human shields" of the war. Lewis, 99.

escalation. Saddam used the foreigners in Iraq and Kuwait as policy tools, escalating the larger crisis in an attempt to deter the U.S. from attacking. President Bush was unyielding, using the United Nations resolutions and Coalition support, together with the deployment of military force, to convince Saddam to back down. Both sides remained inflexible, as third-party attempts to mediate the dispute were unsuccessful. Each side attempted to convey to the other that it would stand firm—Saddam would not relinquish Kuwait, while Bush insisted upon withdrawal.

Iraq's Revolutionary Command Council proclaimed the annexation of Kuwait on 08 August, returning "the part and branch, Kuwait, to the whole and root, Iraq, in a comprehensive, eternal, and inseparable merger."³⁸ The same day, President Bush announced, in a television address to the nation, that the largest deployment of American forces since Vietnam was enroute to Saudi Arabia.³⁹ Iraq responded on 09 August by announcing that foreigners were not free to leave and that all embassies in Kuwait were to be closed by 24 August.⁴⁰ The same day, the UN Security Council passed resolution 662, declaring Iraq's invasion of Kuwait null and void. Iraq again responded on 10 August by calling for a holy war against the Coalition nations.

³⁸Ofra Bengio, *Saddam Speaks on the Gulf Crisis: A Collection of Documents* (Tel Aviv: The Moshe Dayan Center for Middle Eastern and African Studies, The Shiloah Institute, Tel Aviv University, 1992), 122.

³⁹Eastern Standard Time was either seven or eight hours (daylight savings time) earlier than Iraq time throughout the crisis. Thus, Iraqi announcements could have been incorporated into U.S. policies on the same day. This time difference allowed the UN to condemn the invasion of Kuwait on the same day that it occurred.

⁴⁰The rationale given by Iraq for demanding embassy closures was that Kuwait was now part of Iraq; thus, all diplomatic functions would be transferred to Baghdad.

Crisis Definition

Snyder & Diesing define an international crisis as "a sequence of interactions between the governments of two or more sovereign states in severe conflict, short of actual war, but involving the perception of a dangerously high probability of war."⁴¹

Brecher & Wilkenfeld's definition, however, incorporates both process and structure, and is composed of two necessary and sufficient conditions: (1) an increase in "disruptive interactions" between the actors, with a likelihood of military activities; and (2) a challenge to the structure of the international system resulting from these interactions.⁴² Pfaltzgraff considers a crisis to be a threat to core values, containing elements of both peace and war, and which has a potential for transformation from peace to war.⁴³

Characterizing the taking of hostages by Saddam Hussein as a "crisis" is somewhat problematic because, as mentioned above, it took place in the context of the "larger" crisis posed by the invasion of Kuwait. The problem is resolved, however, by recognizing that crises can and often do take place simultaneously—they overlap. Pfaltzgraff recognizes that crises can occur "within or between crises, [and] which call for some form of humanitarian intervention," both of which characterize the subject of this paper.⁴⁴ Snyder

⁴¹Snyder & Diesing, 3.

⁴²The "structure" of the system is composed of "power distribution, actors/regimes, rules, and alliance configurations." Michael Brecher and Jonathan Wilkenfeld, *Crisis, Conflict, and Instability* (Oxford: Pergamon Press, 1989), 19.

⁴³Robert L. Pfaltzgraff, Jr., "Seminar in Crisis Management" (Lecture notes of author, Fletcher School of Law and Diplomacy, Fall 1994), 20 September 1994.

⁴⁴*Ibid.*, 27 September 1994.

& Diesing expand their definition of crisis as follows:

A different type of crisis from the coercive bargaining type . . . is what might be called the "war scare" or "security dilemma" crisis. Here, tension arises not because one party makes a coercive demand upon another but because one or both parties begin to fear that the other is about to attack. Typically, the parties are already in a fairly high state of hostility and tension. Then one side takes some action that looks like preparation to attack, the other side reacts . . . the first side responds They are, in a sense, "illusory" crises; yet they are still crises by our definition.⁴⁵

The sequence of reactions that characterized the onset of the Persian Gulf Hostage Crisis fits this definition quite well.⁴⁶

Brecher and Wilkenfeld's definition of international crisis requires that the structure of the system be challenged—the *rules* of the system being part of the definition of structure.⁴⁷ Given the reaction of the rule-enforcing institutions of that structure (i.e., the United Nations Security Council), Saddam's hostage-taking can be considered to be a challenge to the system. As discussed above, hostage-taking is a terrorist/revolutionary act that challenges the legitimate order. And, although it complicates the analysis of the larger crisis presented by the invasion of Kuwait, Saddam's refusal to allow foreigners to leave *in and of itself* constituted a crisis for both Iraq and the United States.

Another relevant characteristic of crises in the context of this paper is "perception": what may be perceived by one actor as a crisis situation may not be so perceived by other actors. In this case, Saddam created an additional crisis for the United

⁴⁵ Snyder & Diesing, 16.

⁴⁶ It also evokes Thucydides' rationale for the onset of the Peloponnesian War—the fear of the growth of Athenian power.

⁴⁷ See note 42 above.

States (hostages held by a belligerent state), while reacting to a crisis that he faced (prospect of the use of force to eject him from Kuwait). Initially, President Bush attempted to downplay the impact of the hostages. As the crisis developed, however, the Bush Administration was compelled to change its tack—amid growing domestic concern, it began to refer to the foreigners in Kuwait and Iraq as "hostages," and shifted to a policy of nonnegotiation in an attempt to maintain support for its Gulf policy.

Terrorist Strategy, Third-Party Intervention, and the Media

As the crisis developed, both Iraq and the U.S. modified their original policies. Saddam exploited the most valuable weapon of State terrorists—the media—in attempting to force Coalition governments, through their domestic constituencies, to accept the annexation of Kuwait. The Bush Administration changed its focus from downplaying the situation to acknowledging that the foreigners in Iraq and Kuwait were, indeed, being held as hostage, assuming a leadership role in the Coalition while refusing to accept Iraqi probes for negotiation.

Strategies Form: Linkage, Differentiation, and Nonnegotiation

Richard Haass, the senior specialist on Middle Eastern affairs on the National Security Council during the Bush Administration, characterized U.S. policy and strategy towards the hostage crisis as a domestic rather than a Coalition issue.⁴⁸ Indicating that the Administration considered the hostages as a challenge to the American public's will, his

⁴⁸The information in this paragraph was obtained in a telephone interview by the author with Mr. Haass on 10 April 1995.

description fits the strategy adopted by the crisis managers during the early phase of the crisis. Learning from the experience of President Carter during the Iran Hostage Crisis, the Administration believed that the less publicity it gave to the hostages, the less advantage Saddam would derive from them. When pressed, the Administration would, also, indicate that its policy would not be affected by hostage-taking—a firm stance of nonnegotiation.⁴⁹ If it could hold, such a policy would have the dual benefits of denying Saddam advantage from the hostages while enabling the Administration to focus domestic attention on demands for withdrawal from Kuwait.

Isolated by Coalition governments, Saddam sought support in three places: (1) the Arab "nation"; (2) Iran; and (3) anti-war/humanitarian groups within the populations of the Coalition forces. The appeal to the Arab nation was contained in statements by Saddam calling for holy war (10 August), attempting to link resolution of the Gulf crisis with a broader Middle East peace (12 August), and threatening to attack Israel in the event of war (30 August). Although each of these statements served other ends, they all played well with some Arab leaders and many Arab factions, including a large number of Palestinians.⁵⁰ The threat to attack Israel on 30 August played well with Palestinians in

⁴⁹Feisty rhetoric by Mrs. Thatcher was a significant boon to the Bush Administration with regard to a policy of nonnegotiation (see note 77 below).

⁵⁰On 12 August, Saddam outlined his "linkage" plan as follows:

I propose that all cases of occupation, or the issues that have been depicted as occupation in the entire region, be resolved in accordance with the same principles, bases, and premises to be set down by the Security Council, as follows: . . . the immediate and unconditional withdrawal of Israel from the occupied territories in Palestine, Syria and Lebanon, Syria's withdrawal from Lebanon, a withdrawal between Iraq and Iran, the formulation of arrangements for the situation in Kuwait,

Kuwait, who frequently pointed out prospective hostages, in hiding, to Iraqi troops, so that those Westerners could be taken to strategic sites. The "linkage" concept, however, was initially rejected outright by the Bush Administration.

The opening to Iran came on 15 August, and illustrates the ease with which Saddam changed his policies to fit the circumstances.⁵¹ On 30 June 1990, Saddam had insisted upon keeping the Shatt al-Arab for Iraq.⁵² Now, in his proposal to Iran's President, Hashemi Rafsanjani, he was willing to drop this demand and make other concessions to the Shi'ite regime:

In order to open the prospects for a serious interaction among all believers to confront the evildoers who want harm to befall the Muslims and the Arab nation . . . and in order not to keep any of Iraq's potential out of action outside the arena of the great duel we together look from an honorable position toward a new life in which cooperation prevails under the shadow of Islamic principles Perhaps

. . . taking into account the historical rights of Iraq in its territory and the Kuwaiti peoples' choice . . .

Bengio, 125-26. The attempt to "Zionize" the Gulf Crisis is described in much of the literature, notably in Efraim Karsh and Inari Rautsi, *Saddam Hussein: A Political Biography* (New York: The Free Press, 1991), 227-31.

⁵¹Several profiles of Saddam show his readiness to adapt Iraqi policy to changing circumstances, especially when he felt his own survival was threatened. Notable are the psychological profiles given during testimony before the House Armed Services Committee. See Les Aspin: *The Aspin Papers: Sanctions, Diplomacy, and War in the Persian Gulf* (Washington: Center for Strategic and International Studies, 1991), 23 passim. For Saddam, ideology was only useful insofar as it served him in maintaining power. Examples of inconsistencies in his policies with regard to the Palestinians, the Kurds, the "Arab nation," and others are presented in Karsh & Rautsi, 268-73.

⁵²*Kayhan International* (Tehran), September 29, October 30, 1990. Cited in *ibid.*, 226-27.

we could cooperate in preserving the gulf as a lake of peace and stability, free from foreign fleets and powers which are lurking . . .⁵³

Muslim fundamentalism, a threat to the Ba'ath throughout Saddam's career, was not so strange a bedfellow in the context of the Coalition blockade.⁵⁴

The hostages provided Saddam with another opportunity to increase pressure on the Coalition governments; on 15 August, Iraq announced that all American, British, French, German, and Japanese nationals in Kuwait were to assemble at designated hotels. Two days later Iraq announced that they would be placed at strategic sites, installations likely to be bombed in the event of air attacks. Most of the Westerners in Kuwait went into hiding, prompting "sweeps" by Iraqi troops to round them up. Naji al-Hadithi, an Iraqi government spokesman, stated that

Every place, every town that has a vital installation will host our guests. We are locating the foreign men all over the country, at airports, air bases, military bases, industrial plants, communications centers, power centers and oil refineries—wherever Iraq considers it has a vital installation, one exposed to the American threat.⁵⁵

Further, on 19 August, Iraq announced that it would release the hostages in return for the withdrawal of Coalition forces.

The increasing prospect of civilians being used as military shields resulted in extensive press coverage, accompanied by demands for an explanation of U.S. policy

⁵³NYT, 16 August 1990, p. A15.

⁵⁴Iran's long coastline and border with Iraq were certainly attractive to Saddam in considering his prospects for withstanding the economic blockade.

⁵⁵Lewis, 202.

toward the hostages.⁵⁶ On 18 August, the UN Security Council passed resolution 664, demanding that "Iraq permit and facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries."⁵⁷ On 20 August, at a conference with Foreign War Veterans, President Bush publicly recognized increasing domestic concern, saying

We've been reluctant to use the term "hostage." But when Saddam specifically offers to trade the freedom of those citizens of many nations he holds against their will in return for concessions, there can be little doubt that whatever these innocent people are called, they are, in fact, hostages . . . I will hold the Government of Iraq responsible for the safety and well-being of American citizens held against their will.⁵⁸

Saddam also took a new tack at the end of August. The hostages were, from the beginning, more useful as propaganda tools than as human shields. And, as some members of the Coalition became more responsive to Iraqi probes for negotiation, Saddam embarked upon a comprehensive policy of "differentiation." While continuing to increase media coverage of the hostages' plight, Saddam began to indicate that some hostages would receive both better treatment and an increased probability of release.⁵⁹ In this

⁵⁶Other Coalition members also faced increasing pressure regarding the hostages, notably the British. On 13 August, a British man named Douglas Crosgerly was shot dead by Iraqi troops when he tried to escape in his car across the desert to Saudi Arabia. Media coverage in Britain produced widespread outrage. Mr. Crosgerly's body was buried in the desert and never found. *Ibid.*, 126.

⁵⁷United Nations Department of Public Information, "United Nations Security Council Resolutions Relating to the Situation between Iraq and Kuwait," DPI/1104/Rev. 3-41183, December 1991, p. 11.

⁵⁸Bush, 1151.

⁵⁹Japanese hostages were allowed to receive mail and packages, as well as to maintain contact with their embassy. British and American hostages were denied these and other privileges.

manner, perhaps, the hostages could be used to split the Coalition's collective will to maintain the hard line.

On 23 August, Saddam appeared on CNN in a television "special" broadcast worldwide. The program showed a young British boy, Stuart Lockwood, being questioned by Saddam and obviously frightened by him. Intending to show how well the "guests" were being treated, Saddam challenged the hard line members of the Coalition, saying

Your presence here and in other places is designed to prevent the scourge of war. . . . Stuart will, I am sure, be happy to have, as part of his life, his personal history, that he played a role in maintaining peace. . . . So the question that has to be posed by all of us, to Mrs. Thatcher, to Mr. Bush is, what has Iraq taken from them which has made them bring along their forces to the region, to threaten the people of the area and to threaten Iraq with an attack and destruction? Kuwait?"⁶⁰

On the same day, an Iraqi official announced that "nationals of the relevant states will be accorded the status they deserve in proportion to their government's hostility." Iraq had announced on 22 August that some French and Japanese hostages would be allowed to leave. The hostages were to be used not only to deter attack, but as bargaining chips to force individual Coalition members to modify their positions.

Continued media coverage, eliciting apprehension from members of Congress and conjuring up the prospect of a divided coalition, forced the Bush Administration to respond.⁶¹ The "downplaying" strategy was no longer adequate: U.S. hostage policy

⁶⁰Lewis, 178-80.

⁶¹Indeed, the media is the terrorists primary tool in reaching the will of the people behind governments. "If the government does not take terrorism as seriously as it should, the media has rushed to compensate by taking terrorism too seriously. . . . Terrorism, as

needed articulating, in a manner which would both placate domestic concerns and provide a rationale for the "hard line." The policy that emerged had existed since 1975, was reinforced by the experience of the Carter Administration during the Tehran Hostage Crisis, and was based on deterrence.⁶² President Bush strongly expressed his unwillingness to negotiate for release of the hostages on 21 and 27 August, requiring Iraq to withdraw from Kuwait as a prerequisite to talks. He made the rationale explicit on 28 August, in response to a reporter's question:

Q: Mr. President, Saddam Hussein has rejected demand that he pull his troops out of Kuwait, and he's holding several thousand foreigners hostage to keep the world at bay. You say you don't see much chance for diplomacy to work. How long can the West allow this impasse to continue? . . .

we have come to know it, is to some extent the creation of the media." Abraham H. Miller, *Terrorism and Hostage Negotiations* (Boulder, CO: Westview Press, 1980), 5.

⁶²The policy was articulated by Secretary of State Kissinger in Vail, Colorado, in August 1975:

The problem that arises in the case of terrorist attacks on Americans has to be seen not only in relation to the individual case but in relation to the thousands of Americans who are in jeopardy all over the world. In every individual case, the temptation is to go along with what is being asked.

On the other hand, if terrorist groups get the impression that they can force a negotiation with the United States and an acquiescence in their demands, then we may save lives in one place at the risk of hundreds of lives everywhere else.

Therefore it is our policy . . . that American Ambassadors and American officials will not participate in negotiations on the release of victims of terrorists."

Cited in Robert A. Feary, "Introduction to International Terrorism," in *International Terrorism in the Contemporary World*, ed. Marius H. Livingston (Westport, CT: Greenwood Press, 1978), 28.

A: . . . We cannot permit hostage-taking to shape the foreign policy of this country, and I won't permit it to do that. . . . I will not change the policy of the United States . . . to pay homage or give credibility to this brutal move.⁶³

Humanitarian Intervention: Mixed Results for Saddam

Saddam's strategy of dividing the Coalition, which began at the end of August and continued for the next two months, began to bear some fruit as humanitarian missions from several Coalition members proceeded to Baghdad to plead for the release of their citizens. The United States and Britain remained aloof, continuing to maintain the hard line. Although Saddam took advantage of the media coverage resulting from the missions, his decision first to release all women and children, and then to selectively release men from countries which were "cooperating," ultimately failed to split the Coalition.⁶⁴ He did, nonetheless, succeed in many countries in portraying himself as peace-loving, further exacerbating demands for a negotiated solution to the larger crisis.

The parade to Baghdad of world leaders from "neutral" countries and famous political and media figures from Coalition nations began in late August and continued through the end of the hostage crisis.⁶⁵ The missions were successful in freeing hundreds

⁶³Bush, 1178-9.

⁶⁴Leaders of the humanitarian missions also took good advantage of media coverage to promote their causes. Jesse Jackson made "humanitarian" look quite political, taking the opportunity at both Orly and Heathrow airport stops on the way home from his mission to give speeches and to be seen with Stuart Lockwood, the young boy of CNN fame.

⁶⁵A partial list includes: Austrian President Kurt Waldheim (25 August); Reverend Jesse Jackson (30 August); former British Prime Minister Edward Heath (20 October); former Japanese Prime Minister Yasuhiro Nakasone (04 November); former West German Chancellor Willy Brandt (07 November); Mohammed Ali (the boxer) and Labour Party

of hostages, and persuaded Saddam to release large numbers, especially from countries that did not send troops or which showed a willingness to push for a negotiated solution to the crisis.⁶⁶ Every release was accompanied by extensive media coverage, as Saddam attempted to nullify negative media attention by showing how well the hostages were being treated and how willing he was to let them all go if the "aggressive" nations would just not attack.

The policy of "differentiation" was extremely sophisticated, resembling a quota system. Each nation was allowed to take home a certain number of its civilians, based upon its respective behavior. The deliberate, limited releases point to two conclusions: first, that the hostages were more useful to Saddam as propaganda tools than as shields; and, second, that Saddam was trying to draw out the crisis as long as possible. Yet the hostages' use as propaganda was a double-edged sword—it rallied peace movements, to be sure, but it also solidified opinion against Saddam's "brutal move":

Such was Baghdad's developing dilemma. Much of the propaganda surrounding the release of the hostages was to nullify the appalling world press it was getting as a result of its hostage policy. The Iraqis began to wonder which was worse—keeping the hostages and enduring united world condemnation, or releasing them

member of the British Parliament Tony Benn (25 November).

⁶⁶Saddam released: all women and children in the wake of the Waldheim visit (28 August); 750 in response to the Jackson visit (01 September); all French sick and elderly (15 September); all Finns and Spaniards (01-14 October); all French (22 October); all Bulgarians (01 November); 108 in response to Nakasone visit (06 November); 193 in response to Brandt mission (07 November); 2000 Soviets (09 November); all Germans and 200 Dutch (20 November); 119 in response to Swiss and French delegations; and all Soviets (04 December).

and hoping that would encourage the peace movements sufficiently to bring the USA and Britain to the negotiating table.⁶⁷

Saddam resolved the dilemma by adopting a compromise. On 28 August he announced that all women and children would be allowed to leave—a humanitarian gesture calculated to sway world opinion in his favor.⁶⁸

To convince hard line world governments that his "humanitarian gesture" was not a sign of weakness, Saddam moved the hostages remaining at the strategic sites inside the installations. Previously held at some distance, now the "guests" were placed directly at suspected impact points. Some were forced to sleep next to power generation turbines, while one group was held directly on top and in the center of a dam, in a large steel container.⁶⁹

The hard line members of the Coalition, America and Britain, were dismayed by the humanitarian missions—they played into Saddam's hand by eliciting widespread media attention, undermining the policy of nonnegotiation and striking at the public's will to

⁶⁷Lewis, 357.

⁶⁸On 19 September, a large group (nearly 400) of American women and children were able to leave Iraq. By that time, there were estimated to be somewhat over 80 Americans held at strategic sites. Nearly half a million refugees, mostly from Egypt and South Asia, had been permitted to cross the border into Saudi Arabia, where they were living in refugee camps waiting for their governments to bring them home.

⁶⁹Ibid, 384-5. Although Saddam probably expected this to be a potential precision-guided munitions impact point, he was mistaken on two counts: first, dams themselves, as opposed to the generation facilities beside them, were never targeted (a matter of U.S. policy and international law); and second, the impact point would have been at the *bottom* center of the dam (author's experience).

resist terrorist demands.⁷⁰ When Mrs. Thatcher heard that Edward Heath was going to Baghdad on a humanitarian mission, she was "furious, " she "hit the roof."⁷¹ On 07 November, White House Press Secretary Marlin Fitzwater said that the peace missions "walk a very fine line between trying to help their countrymen and being used by Saddam Hussein for inhuman treatment of the hostage families and the hostages themselves."

Indeed, liberal democracies are most susceptible to terrorism precisely because of the freedoms, such as that of the press, that they enjoy. Those freedoms, political symbols which cut to the core of democratic states' values, are exploited by hostage-takers, who require the media to illustrate their ability to threaten those values. Terrorism is not

a tactic but a strategic mode of political violence. It is . . . directed at targets which have symbolic value in addition to or independent of any tactical or strategic value. It is the symbolic value which . . . is aimed at influencing political decision making . . .⁷²

The very freedoms which enabled members of humanitarian missions to travel to Baghdad and plead for the release of hostages were the means by which Iraq, a weak state facing a strong Coalition, could strike at its enemies—the consummate "indirect" approach.⁷³

⁷⁰Brent Scowcroft said that the Administration was "strongly opposed" to people going over there and pleading with him. Scowcroft, interview by author, 10 April 1995.

⁷¹Lewis, 302.

⁷²Miller, 10.

⁷³Saddam understood this strategic concept more than any other, perhaps to the exclusion of others. Even after the air war had begun, he continued to court the opinion of "peace-loving" citizens (correctly interpreted as those who loved peace with regard to Coalition aggression against Iraq and not with regard to Iraqi annexation of Kuwait), saying:

You tell the Americans that we wish them well and we hope that none of their sons

The Coalition At Odds

The Bush Administration, however, faced an even greater threat as Saddam's hostage strategy began to bear fruit in another way—dividing the Coalition against Iraq.⁷⁴ Saddam had managed to establish the principle that each state would be accorded benefits, in the form of hostage releases, by exploiting media coverage of the humanitarian missions. This tactic could be useful with other members of the Coalition, whose support was more vital to the U.S. and who were more likely to succumb to Iraq's entreaties.⁷⁵

Clausewitz describes the tactic of defensive war for a limited aim as follows:

... if improvement cannot be effected from within—that is, by sheer resistance—it can only come from without; and an improvement from without implies a change

will die. All Iraqis are grateful to all good Americans who demonstrated in the United States against the war and to all good and honorable citizens in France, Germany, Spain, Italy, and everywhere else.

Interview by CNN correspondent Peter Arnett, Baghdad, 28 January 1991, quoted in Bengio, 187.

⁷⁴"Take a line of operation which offers alternative objectives. For you will thus put your opponent on the horns of a dilemma . . ." B. H. Liddell Hart, *Strategy*, 2nd. rev. ed. (London: Faber & Faber Ltd., 1967), 335.

The hostage-taking strategy offered several possible objectives: (1) to break the will of the American population to stand firm [strategic/psychological]; (2) to break the collective will of a Coalition composed of disparate members [strategic/psychological]; (3) to shield targets from attack [tactical]; and (4) to delay the onset of hostilities [strategic]. The stronger the stance taken by the U.S., the more likely was Saddam to find sympathy from other members of the disparate Coalition. On the other hand, a more conciliatory approach would have made it easier for him to reach the will of the American public. The Bush Administration was, indeed, on the horns of a dilemma.

⁷⁵France and the Soviet Union had been Iraq's principal foreign sources of arms and spare parts. Moreover, France had its traditional "politique arabe," and Moscow was linked through its military advisers in Iraq and its Muslim constituents in South Central Asia.

in the political situation. Either additional allies come to the defender's help or allies begin to desert his enemy.⁷⁶

Having determined to rely upon the UN for backing its actions, the Administration was especially vulnerable to attempts to weaken Coalition members who were also Permanent Members of the Security Council. Saddam's "differentiation" strategy of using hostage releases to reward cooperative nations began to pay off in September, as both France and the Soviet Union began to make overtures to Baghdad. As the U.S. continued to maintain its policy of nonnegotiation, with Mrs. Thatcher leading the way by suggesting the possibility of international criminal tribunals, the Coalition showed signs of fragmenting.⁷⁷

The Soviet Union. Saddam made his strategy with regard to Moscow explicit on 08 September, the eve of the Helsinki Summit. Addressing a message to Presidents Bush and Gorbachev, he made a blatant attempt to play on Soviet fears of declining status in the aftermath of the events of 1989:

⁷⁶Carl von Clausewitz, *On War*, ed. and trans. Michael Howard and Peter Paret, with introductory essays by Peter Paret, Michael Howard, and Bernard Brodie, indexed ed. (Princeton: Princeton University Press, 1976; first Princeton Paperback printing, 1989), 613.

⁷⁷President Bush reiterated his refusal to negotiate for the hostages on 06 and 11 September, refusing to submit to "international blackmail." Bush, 1196, 1220.

Mrs. Thatcher suggested that Saddam might be held criminally responsible for any harm done to the hostages, saying: "If anything happened to those hostages then, sooner or later, when any hostilities were over, we could do what we did at Nuremberg and prosecute the requisite people for their totally uncivilised and brutal behavior." Iraqi radio responded by calling Thatcher a "grey-haired old woman . . . mentally unbalanced . . . with a canine, harsh voice. . . . The old hag Thatcher seems to have been upset by the permission given women and children to leave Iraq, as she had wanted to make an issue of them in her upcoming electoral campaign." Margaret Thatcher, interview with David Frost, 02 September 1990, and *Baghdad Radio*, 02 September 1990. Cited in Lewis, 210-11.

He who represents the Soviet Union must remember that worries and suspicions about the superpower status assumed by the Soviet Union have been crossing the minds of all politicians in the world for some time, especially after the United States has begun to act singlehandedly in the world and to behave arrogantly without having the party that used to be there in the past to guide it to the more balanced path to follow.⁷⁸

Yet, the Persian Gulf Crisis presented Moscow with a number of foreign policy dilemmas in addition to worries about loss of superpower status and prestige. Muslim groups in South Central Asia, increasingly prone to secessionism, pressured Moscow to side with Iraq.⁷⁹ Moreover, the Soviets were concerned about the possibility of a large U.S. presence in the Middle East or Iraq, in the aftermath of a potential war.

The hostages, too, played a role. Hundreds of Soviet advisors working under contract in Iraq were being held by Saddam. Mr. Gorbachev's foreign policy, like Mr. Bush's, was comprised of a willingness to respect international law and to work through the UN. In the context of improving relations to the West and *glasnost*, Mr. Gorbachev was under increasing domestic pressure to resolve his own "hostage crisis." Soviet officials expected Saddam to continue to require more than three thousand Soviet citizens

⁷⁸Bengio, 149.

⁷⁹"Gorbachev was under pressure from . . . representatives of the Islamic republics of in Transcaucasia and Central Asia . . . in an era of . . . rampant secessionism . . . who journeyed to Moscow to protest his policy in support of the Coalition." Strobe Talbott, "The Status Quo Ante: United States and Its Allies," in *After the Storm: Lessons from the Gulf War*, eds. Joseph S. Nye, Jr., and Roger K. Smith (Lanham, MD: Madison Books and the Aspen Strategy Group of the Aspen Institute for Humanistic Studies, 1992), 13.

to remain in Iraq beyond the end of 1990.⁸⁰ These Soviets represented a real political challenge for Mr. Gorbachev, many of whom he had sent to Iraq as military advisers.

It was in this context that Soviet Presidential Council member Yevgeni Primakov made three trips to Baghdad (06 September; 05 and 27 October). Each trip was accompanied by signals from Moscow that it was prepared to accede to at least some of Saddam's demands, either by "linking" resolution of the Gulf Crisis with progress on Arab-Israeli issues or by allowing Saddam to realize limited territorial gains at the expense of Kuwait.⁸¹ At the same time, each initiative by the Soviets was rejected by the Bush Administration.⁸²

What emerges from an analysis of the diplomatic meetings is that Moscow was pursuing two tracks in its diplomacy. Primakov was indicating to Saddam that the Soviets would aid Iraqi efforts to bring America to the peace table and delay proposals for the use

⁸⁰ John P. Hannah, "All Politics are Local: Soviet Constraints in the Gulf Crisis," in *Gulfwatch Anthology: The Day-by-Day Analysis of the Gulf Crisis*, eds. Barry Rubin et. al., Number Three, 05 September 1990 (Washington: The Washington Institute for Near East Policy, 1991), 5-6.

⁸¹ On 04 September, Moscow called for an international peace conference including Israel. On 14 October, Soviet news reported that Iraq might be willing to withdraw if allowed to keep the disputed Warbah and Bubiyan Islands. And, on 27 October the Soviet Union began to suggest that a UN vote on the use of force should be delayed.

⁸² On 06 September, President Bush said that U.S. policy would not be held blackmail to hostage-taking. On 19 October, he met with Primakov and rejected a compromise solution. And, on 31 October, the President reiterated his refusal to negotiate for hostage releases.

of force in return for releases of Soviet citizens.⁸³ At the same time, Gorbachev reassured Bush during personal contacts that the Soviet Union would not hinder America's insistence on Iraq's withdrawal from Kuwait. Ultimately, Moscow found its interests to be in siding with the West, a decision helped along by promises from Washington to aid Moscow in keeping its former Baltic states out of the November 1990 Paris Summit and by hard currency guarantees from Kuwait and Saudi Arabia.⁸⁴

France. Although it was probably clear to Saddam from the outset that the Soviets were unlikely to send troops to fight with the Coalition, the French were somewhat more problematic. French forces had been stationed in Saudi Arabia early on, though French President Francois Mitterrand continued to state that they would not be used for offensive operations. Saddam thus concentrated his attention on weaning France from the coalition, using the hostages, again, as bargaining chips.

⁸³Concern over the hostages was believed to be one determinant of Soviet Gulf Crisis policy:

Moscow is anxious to avoid a military clash. While there are many explanations for this caution, it has become increasingly evident that a primary cause is concern for Soviet citizens in Iraq. Soviet policy is indeed being held hostage. . . . most Soviet experts . . . believe the *primary* focus of Primakov's recent mission to Baghdad was to secure the release of Soviet citizens, not to pressure Iraq to leave Kuwait [*italics mine*].

Hannah, 38.

⁸⁴Burns H. Weston, "Security Council Resolution 678 and Persian Gulf Decisionmaking: Precarious Legitimacy," in *American Journal of International Law* 85, no. 3 (July 1991), 523.

Of the four Permanent Members of the Security Council with hostages in Iraq, France was the only one willing to negotiate unilaterally for the release of its citizens. While continuing to portray itself in the UN as part of a "united front" against Iraq, the successive releases of French hostages outside the context of humanitarian missions were indicative of separate negotiations. On 15 September, Saddam released all elderly and sick French citizens. One week later, Mr. Mitterrand announced a plan for peaceful resolution of the crisis, calling for a settlement of all disputes in the Middle East, thus falling prey to Saddam's "linkage" tactic. In early October, a further nine French citizens were released. Finally, on 22 October, Saddam announced that all French hostages would be permitted to leave, saying that

[the French people] have rejected Bush's aggressive methods . . . and have proven that they are a people who understand the meaning and the required correct stand towards events.⁸⁵

Following the announcement, France again called for a resolution of the crisis based on a broader Middle East settlement. The remaining French hostages arrived home on 29 October.

The sequence of events leading to the release of the French hostages led some Coalition members to suspect that France had negotiated a bilateral deal. A French government spokesman vehemently denied these accusations, saying that "France cannot lend itself to any negotiations whatsoever on this issue. . . . [France had] engaged in

⁸⁵*Radio Monte Carlo in Arabic* (Paris), 24 October 1990, cited in Karsh & Rautsi, 235. The announcement was deliberately timed to coincide with the Gorbachev-Mitterrand meeting in Paris on 28 October.

absolutely no negotiations."⁸⁶ On 07 November, however, Arab diplomats let the cat out of the bag, disclosing that a French envoy, Claude Cheysson, had held clandestine meetings with Tariq Aziz in Tunis to negotiate for the release of the French hostages.⁸⁷

What actually transpired at that meeting is as yet unknown, although the Iraqis evidently believed that they had secured French agreement not to attack Iraq. The reason the French hostages had been released was that

we want to give the French people, the French government, a signal that we are satisfied with their behavior over the crisis. *They said they will not enter the war. They will not take part in aggression against Iraq. They will take a defensive position towards Iraq. This is very important to us [italics mine].*⁸⁸

The French government was humiliated, and the Mitterrand peace proposal discredited.

The Bush Administration, however, began to perceive just how large the cracks in the Coalition were beginning to become.⁸⁹

⁸⁶Quoted in Lewis, 353.

⁸⁷The Iraqis contend that the meeting, mediated by the PLO, had taken place with the full approval of Roland Dumas, the French Foreign Minister. *The London Times*, 10 November 1990, cited in Karsh & Rautsi, 235.

⁸⁸Iraqi Information Minister, Latif Jassim, quoted in Lewis, 352-53.

⁸⁹The implications of the French releases for the coalition were picked-up by the media. President Bush's muted reaction, however, could not hide his growing concern:

Q: Are you concerned about an erosion within your alliance, the fact that Saddam Hussein may be successful in prying some people apart from your position?

A: I know he's going to continue to try that. . . . the whole concept was: You come; we'll parcel out some hostages. Trying to divide and show a humanitarian side of some sort. . . . But *it does concern me that he not be successful* [italics mine].

Bush (01 November), 1516.

The twin hostage policies of nonnegotiation and downplaying were clearly failing with respect to France and the Soviet Union. Saddam's success in dividing the coalition was to some measure a reflection of the success of his worldwide hostage media campaign. Increasingly, the same effect was beginning to take hold in America, as Congressional committees began to question the President's refusal to negotiate.⁹⁰ The President needed a way to turn the tables on Saddam, to focus the responsibility for the hostages' well-being on Iraq, where it belonged. Beginning at the end of October, the Administration's stance toward the hostages began to take another direction. No longer a terrorist threat calling for indifference and intransigence, hostage-taking was to be seen as a criminal act, a justification for the use of force against Iraq. Saddam, in violation of international law, refused to release the hostages and endangered the peace of the world—he must be punished.⁹¹

⁹⁰ Opinion polls in both the United States and France began to indicate, by the end of October, increasing support for a peaceful resolution of the crisis.

⁹¹ On October 23, the President suggested the possibility of international criminal tribunals to punish Saddam for violations of international law.

The Role of International Law

As civilization has advanced during the last centuries, so has . . . the distinction between the private individual belonging to a hostile country and the hostile country itself, with its men in arms. The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit.

— 1863 Lieber Instructions

One of the principal themes of the foreign policy of the Bush Administration was "a new world order" based on the rule of law.⁹² In the wake of the collapse of the Soviet Union and the end of the Cold War, organizations such as the United Nations were envisioned as playing a key role in that new order. The Gulf Crisis did produce several unprecedented examples of the workings of the international system as envisioned in the UN Charter; for example, it was the first time that the Security Council recognized that the right of collective self-defense applied to a particular situation.⁹³ For responding to the hostage crisis, however, the international law was perceived to be of somewhat less utility.

⁹²President Bush on 11 September 1990 reiterated a familiar theme: "Today that new world is waiting to be born, a world quite different from the one we've known. A world when the rule of law supplants the law of the jungle. . . . America and the world must support the rule of law." Bush, 1219.

⁹³Oscar Schachter, "United Nations Law in the Gulf Conflict," *American Journal of International Law* 85, no. 3 (July 1991): 457.

Throughout the crisis, the Bush Administration frequently characterized the taking of hostages by Saddam as an illegal act.⁹⁴ In taking unprecedented efforts to build an international coalition, within the context of the United Nations, against Saddam, the Bush Administration showed its willingness to "play by the rules" of the international order.⁹⁵

Although the international legal order is imperfect, it nonetheless provides some forum for mustering world opinion against states who violate certain accepted norms or treaties in force. Indeed, the most effective mechanism of the international legal order in deterring terrorism or encouraging minimum human rights may be its ability to bring negative attention to certain acts of states.⁹⁶ The problems of prescriptive and

⁹⁴The Administration repeatedly stressed during the crisis that hostage-taking violated international law. Marlin Fitzwater's statement of 18 August is one illustration:

The President . . . is deeply troubled by the indication that Iraqi authorities intend to relocate these individuals within Iraq against their will. . . . The use of innocent civilians as pawns to promote what Iraq sees to be its self-interest is contrary to international law and, indeed, to all accepted norms of international conduct.

Bush, 1143.

⁹⁵One analyst of the Persian Gulf War indicated that:

With one possible exception, American actions since August 2 have been in full conformity with the letter and spirit of international law. . . . The possible exception was in Washington's declaration of 12 August that it would enforce a naval blockade to ensure the efficiency of sanctions, prior to passage of Resolution 665 on 25 August authorizing such actions.

Bernard Wood, "The Gulf Crisis: The Debates and the Stakes," working paper 30 (Ottawa, Ontario: Canadian Institute for International Peace and Security, September 1990), 1.

⁹⁶Professor Francis Boyle argues that the ICJ decision regarding the Iran hostages contributed significantly to the resolution of that crisis in: "The United Nations Charter

enforcement jurisdiction seem virtually insurmountable given the very nature of the international legal order, based as it is upon Westphalian principles that recognize sovereignty as the most basic right of a state.⁹⁷ As such, or until an international criminal law becomes a reality, states will continue to "autointerpret" international laws that purport to prohibit them from terrorist/criminal activities, making enforcement of those laws impossible except at the state's own choosing.⁹⁸

Two sources of international law appear to be potentially applicable to the hostages: customary international humanitarian law; and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Although the 1977 Protocol I Additional to the Geneva Conventions, and the 1979 International Convention Against the Taking of Hostages both contain perhaps the most readily applicable international legal material prohibiting the taking of hostages, Iraq is a party to neither, and the United States has not ratified the 1977 Protocol I. Thus, in accordance with the principle *pacta sunt*

and the Iranian Hostage Crisis," in *Terrorism, Political Violence and World Order*, ed. H. H. Han (Lanham, MD: University Press of America, 1984), 548.

⁹⁷The problem is well-recognized, and especially vexing to "idealists." "Under current conditions, states have refused to submit to jurisdiction, to entertain claims, or meet demands that on an internal basis they have been acting inconsistent [*sic*] with the expectations of the global community." H. H. Almond, Jr., "Limits and Possibilities of International Regulation of Terrorism," in Han, 496. The author of this paper does not mean to characterize Mr. Almond as an "idealist."

⁹⁸The unique exceptional case is, of course, the Nuremberg War Crimes trials following World War II. One necessary prerequisite to such proceedings, however, would be the complete defeat of the offending nation; otherwise, it would refuse to be party to such trials.

servanda, the analysis will focus on the former treaties, to both of which the United States and Iraq are Parties.⁹⁹

Customary International Humanitarian Law

Customary international humanitarian law prohibits the violation of certain human rights standards by a state.¹⁰⁰ It seeks to apply a universal minimum standard of treatment for all persons within the territory of a state, regardless of nationality. Although the international humanitarian law is immature and imperfect, many states have agreed to be bound by the standards set forth in the 1966 International Covenant on Civil and Political Rights. Iraq became a member of the Covenant on 25 January 1971.

The Covenant on Civil and Political Rights has two provisions that apply to the hostages held in Iraq and Kuwait:

⁹⁹*Pacta sunt servanda* is defined as the principle that "Every treaty in force is binding upon the parties to it and must be performed by them in good faith." United Nations, Treaty Series, "Vienna Convention on the Law of Treaties," 23 May 1969, *Treaties and International Agreements Registered or Filed or Reported with the Secretariat of the United Nations*, vol. 1155, no. 331.

"'Party' means a State which has consented to be bound by the treaty and for which the treaty is in force." Frederic L. Kirgis, Jr., *International Organizations in Their Legal Setting: Selected Documents* (St. Paul, MN: West Publishing Co., 1993), 217.

¹⁰⁰There are many other sources of customary international law, other than humanitarian, that could be used either to justify or condemn the taking of hostages by Saddam. For example, in his note of 06 August 1842 regarding the *Caroline Incident*, a widely cited recognized precedent for the principle of self-defense, Daniel Webster stated that the "necessity for self-defense [must be] instant, overwhelming, and leaving no choice of means, and no moment for deliberation" in order to be justified. A plausible legal argument, at least, could possibly be made by an Iraqi apologist that the taking of hostages by Saddam was justifiable on that basis.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. . . .

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement . . .
2. Everyone shall be free to leave any country, including his own.¹⁰¹

Although it was clearly in violation of both of these provisions, another article in the Covenant could be seen to provide Iraq with a justification for non-compliance:

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations . . . to the extent strictly required by the exigencies of the situation . . .¹⁰²

Thus, perhaps the most applicable international humanitarian legal document lacks the teeth even to prescribe a violation of international law in the case of the Persian Gulf hostages, much less to enable other states to take enforcement measures against Saddam. Iraq, declaring itself to be in a state of "public emergency," could under this rubric "autointerpret" the holding of foreign "guests" as legally acceptable.

Geneva Convention Relative to the Protection of Civilian Persons in Time of War

The Fourth Geneva Convention sets forth numerous provisions pertaining to civilians as part of the *jus in bello*. The Convention is applicable to:

¹⁰¹"International Covenant on Civil and Political Rights," 99 *U.N.T.S.* 171, 19 December 1966. In Kirgis, 279-80.

¹⁰²*Ibid.*, 277.

all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.¹⁰³

Article 34 states that "the taking of hostages is prohibited." Article 147 defines the taking of hostages as a "grave breach" if carried out "unlawfully and wantonly" and if "not justified by military necessity." Further, grave breaches enable (under article 146) any Party to the Convention to try offenders (i.e., Saddam) in its own courts under its own laws.¹⁰⁴

The provisions of the Convention pertaining to the protection of civilians derive from the "just war" tradition, and are based on the principle of discrimination. Discrimination means, simply, noncombatant immunity.¹⁰⁵ Yet, there is ambiguity about whether Convention can be applied to situations such as the Persian Gulf Hostage Crisis. The broadest protection under the Convention is afforded to "protected persons," distinguished from non-protected persons as follows:

Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected

¹⁰³"Geneva Convention Relative to the Protection of Civilian Persons in Time of War," 6 *U.N.T.S.* 3516, 12 August 1949, art. 2.

¹⁰⁴Perhaps this is one reason why Saddam adamantly refused to call the foreigners "hostages," preferring instead the term "guests."

¹⁰⁵The just war tradition as it pertains to the law of air war, is discussed in W. Hays Parks, "Air Law and the Law of War," in *Air Force Law Review*, 1990, 1-225.

persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.¹⁰⁶

As long as the U.S. continued to maintain diplomatic relations with Iraq, which it did throughout the crisis, the hostages could not be considered "protected persons" under the Convention. The legal question, therefore, becomes one of determining whether article 34, the prohibition against hostage-taking, applies to non-protected as well as protected persons. One legal analyst resolves the ambiguity as follows:

Although the provision [article 34] is part of a section of the Convention that sets forth the "Status and Treatment of Protected Persons," . . . it is not, *unlike the other articles*, worded as applicable only to protected persons. Moreover, the provision appears applicable not only to third country nationals in Kuwait but also those in Iraq [*italics mine*].¹⁰⁷

In any case, an attempt to have the Convention applied to the hostages would seem to be compatible with the Administration's professed respect for international law. Yet, some critics have indicated that the Administration resisted attempts to apply the Fourth Geneva Convention to the hostages.

¹⁰⁶"Geneva Convention Relative to the Protection of Civilian Persons in Time of War," 6 *U.N.T.S.* 3516, 12 August 1949, art. 4.

¹⁰⁷Congressional Research Service, The Library of Congress, American Law Division, "International Law Applicable to Iraq's Invasion and Occupation of Kuwait and to the Subsequent Response by the International Community," memorandum prepared by David M. Ackerman. Washington, 03 December 1990, 6.

The Hostage Crisis Peaks: Hostages as U.S. Policy Tools?

A clever military leader will succeed in many cases in choosing defensive positions of such an offensive nature from the strategic point of view that the enemy is compelled to attack us in them.

—Moltke

There were at least seventy-five strategic sites where hostages were held during the crisis. Seventeen were in Kuwait, and fifty-eight in Iraq. The list includes military air bases, dams, refineries and oil installations, chemical and biological plants, armaments factories, power stations, ports, and hotels. As previously discussed, the hostages were at first placed in huts or tenements collocated with strategic sites.¹⁰⁸ Later, as the prospect of the Coalition using force to eject Iraq from Kuwait increased, they were forced to live adjacent to suspected precision munitions impact points, such as in the center of dam crossways and next to power generation turbines.¹⁰⁹

Such information indicates that Saddam intended to use the hostages as human shields, as tactical deterrents against Coalition air attacks. A closer examination of other facts, however, are inconsistent with this conclusion. On 30 October, the *Independent* reported that

Iraq has moved essential machinery from its arms production and chemical warfare plants to new locations as a precaution against possible air attacks. . . . The evacuation of military industry indicates that the Iraqi authorities do not believe

¹⁰⁸ See text at note 69 above.

¹⁰⁹ Lewis, 491-94.

that the holding of some seven hundred foreigners . . . will be enough to deter air attack in the event of war.¹¹⁰

The removal of equipment was thus an early sign that the human shield policy was not perceived to be an effective tactical deterrent.

Reports from hostages held at strategic sites further indicated that Saddam was being careful to protect the hostages. Those who were injured, sick, or required special medical attention were either released or treated. One American who was in hiding was shot as he tried to escape from an Iraqi patrol, and then given first class medical treatment. In general, Iraqis assigned to guard the hostages were under strict orders that they not be harmed.¹¹¹

More striking, the "human shields" were to be protected even in the event of air attacks. According to several reports, Iraqi guards were under instructions to take the hostages to bomb shelters if an air attack occurred. One hostage recounts:

There were various theories about what would happen if things did turn nasty. The guards assured us—both here and at our next installation—that they had strict orders *to push Iraqis aside in order to get us to the shelters* [italics mine].¹¹²

Reports that Iraq had moved strategic materials, the selective release of hostages, and efforts to ensure the human shields were themselves to be shielded, taken together indicate

¹¹⁰*The Independent*, London, 30 October 1990. Cited in Lewis, 408.

¹¹¹"[the guards] were concerned about the hostages' safety insofar as their necks were on the line. So long as they were safe, so long as their food was adequate to survive, so long as they received just enough medical attention . . . they [the guards] didn't care." Lewis, 320.

¹¹²David Shattock, describing Saddam Dam, quoted in Lewis, 392.

that Saddam recognized that the hostages were more useful as propaganda than as human shields. They further indicate that Saddam both feared international action against him in the event the hostages were harmed, and that he believed U.S. assertions that it would not allow the hostages to affect its policy.¹¹³ Dead hostages provided no propaganda value either before, during, or after the war.

Application of Fourth Geneva Convention

Michael P. Saba, a Saudi businessman who had been caught in the invasion of Kuwait, then managed to escape, formed "Coming Home," an organization dedicated to securing the earliest possible release of the hostages. "Coming Home" sought application of the Fourth Geneva Conventions to the hostages in Iraq as a means of improving the conditions under which they were being held and preventing their use as human shields. The organization sought, and obtained, a legal opinion from Congressional Research Service regarding the applicability of the Convention to the hostages.¹¹⁴ The opinion states that article 34 of the Convention, prohibiting hostage-taking, "would seem to be currently applicable to the treatment of U.S. citizens in Iraq and Kuwait."¹¹⁵

¹¹³That is, the U.S. would bomb strategic sites regardless of the presence of hostages.

¹¹⁴Francis A. Boyle, Professor at University of Illinois College of Law, telephone interview by author, 31 March 1995.

¹¹⁵Congressional Research Service, The Library of Congress, American Law Division, "Legal Status of United States Citizens in Iraq and Kuwait," CRS Report for Congress 90-406A, prepared by David M. Ackerman. Washington, 23 August 1990, 4.

Application of the Fourth Geneva Convention was not, however, sought by the Administration, despite the efforts of "Coming Home." This fact has led some analysts to believe that the Administration purposefully resisted such application, and was using the hostage situation to further its own policy goals; that is, as a means of rallying domestic support for a war against Iraq.¹¹⁶ The professed concern of the Administration regarding violations of international law in the context of an unwillingness to apply to Fourth Geneva Convention seems to be at least mildly surprising, because any measure of compliance with the Convention by Saddam could at a minimum be considered to forbid using foreigners as hostages or human shields. Furthermore, the protection of American citizens was one of the four policy goals articulated by President Bush.¹¹⁷ Assuming the Administration had considered application of the Convention, what reasons might it have had for not seeking its application?

Both Brent Scowcroft and Richard Haass indicated that the Administration was either unaware of the actions of "Coming Home" or had not considered application of the Fourth Geneva Convention as a policy tool, instead focusing on the positive aspects of U.S. policy.¹¹⁸ David Ackerman, the author of the opinion by the Congressional Research Service regarding the applicability of the Convention to the hostages, said that although he was unaware of resistance by the Administration to apply the Convention, it would be

¹¹⁶Boyle, interview by author.

¹¹⁷See text at note 19 above.

¹¹⁸Scowcroft, interview by author, and Haass, interview by author.

"strange" if they had not at least considered it.¹¹⁹ General Bernard Trainor suggested several reasons why the Administration had not sought application of the Fourth Geneva Convention, ultimately concluding that it was a combination of both the Convention being unenforceable and a desire to maintain the bearing of world opinion.¹²⁰

Had the hostages been useful only to Saddam, the Administration surely would have pursued every possible course of securing their release. Even given the inadequacy of the international legal framework, the failure of the Bush Administration to seek application of the Fourth Geneva Convention to the hostages indicates that *the hostages were serving U.S. as well as Iraqi purposes*. U.S. and British rhetoric maintained that, in the event of war, bombing would proceed regardless of the presence of hostages.¹²¹ This

¹¹⁹David M. Ackerman, Legislative Attorney, American Law Division, Congressional Research Service. Telephone interview by author, 19 April 1995.

¹²⁰Other factors suggested by General Trainor include: (1) precision guided munitions made the human shields less vulnerable; (2) the hostages were not to be seen as affecting U.S. actions; (3) the Conventions would have been applied if Saddam had not released the hostages in December; and (4) the hostages were part of a "psychological game" which allowed the Administration to maintain continued pressure on Saddam. General Bernard E. Trainor (ret.), Director, National Security Programs, John F. Kennedy School of Government, telephone interview by author, 31 March 1995.

¹²¹There is some evidence that this threat was not completely credible:

The Bush Administration had talked bravely about targeting Iraq without concern for the hostages, but in fact Buster Glosson [Air Force brigadier general who developed the air campaign] had made contingency plans to avoid the sites where the "human shields" were kept.

Gordon & Trainor, 157. In any case, what is more important from the perspective of crisis management is whether the threat was believed by Saddam. As one author puts it:

The goal of the counterthreat is to alter threatening behavior without actually having to carry out the counterthreat. Bluff is a critical component of the

implies that the U.S. should have made every effort to have the hostages removed from the strategic sites. Ultimately, the failure to seek application of the Convention points to a different conclusion—that the Administration was using the hostage situation to rally public support for its decision to use force to eject Iraq from Kuwait.

Policy: Prepare the Public for War

From the end of October, a shift in the U.S. stance toward the hostages became evident. Nonnegotiation, the policy which had nearly splintered the coalition, needed a new rationale. That rationale could be found where it had before been downplayed—in the "brutal" and "criminal" acts perpetrated on humanity by Saddam Hussein. The hostages were now used for American propaganda purposes, to rally public opinion for war and turn the hostages into a liability for Saddam. On 01 November, in a lengthy, impassioned speech about the plight of the hostages, President Bush declared:

Right now, over 300 innocent Americans . . . are reportedly staked out as human shields near possible military targets, something that even Adolf Hitler didn't do.

. . . . This canard of calling people that are held hostage—calling them guests when they're hostages is turning off the whole world.

counterthreat response. However, unless policy makers in the state against which counterthreats are directed believe that there is a significant probability that they will be sanctioned, the counterthreat response has little impact on threatening behavior.

David J. Myers, "Threat Perception and Strategic Response of the Regional Hegemons: A Conceptual Overview," chap. in *Regional Hegemons: Threat Perception and Strategic Response* (Boulder: Westview Press, 1991), 25-26. As discussed above, Saddam's actions indicate that he believed the U.S. would bomb strategic sites regardless of the presence of hostages.

. . . . I think that people see it [Saddam's offer to allow relatives of the hostages to visit over Christmas] as a rather brutal toying with the emotions of families, really.

. . . . I must keep this in focus for the American people. They must know how strongly I felt about an American Embassy, the American flag flying, . .

. . . . I'll tell you what is different . . . It's the sense of urgency I feel. . .

. . . . I think the American people are as outraged as I am The sand is running through the glass. . . . and that is the message from the United States to the dictator in Iraq.¹²²

The speech, given one week before the announcement of the deployment of 150,000 additional troops to the Gulf, was the harbinger of the Administration's shift in policy. The American public needed to be protected from losing its will in the face of Saddam's hostage propaganda campaign, needed to recognize Saddam as an evil, brutal criminal—needed to be prepared for the prospect of bloodshed.¹²³ The escalatory stance brought the Hostage Crisis to a head during the month of November, as President Bush pulled out the very last of his crisis management tools, his own civilians being held hostage, in an effort to convince Saddam that the United States would not back down from its position. In an

¹²²Bush, 1509-20.

¹²³The President hinted, moreover, that although Saddam's efforts may have succeeded in persuading some countries to negotiate, it would not change the U.S. policy stance one bit:

Now, we are determined, and the world understands it. And thank God the people of the United States understand that it is only the United States that has the strength and, I would say, total commitment to stay the course and see that this aggression is turned back.

ominous show of force, the first American-Saudi military exercise, "Imminent Thunder," was carried out forty kilometers south of the Kuwait border on 16 November.

Negotiation and the Hostages: A Last Attempt, and Failure

As mentioned above, the hostages were, for Saddam, always a double-edged sword, having the potential to either bring the opinion of the peoples of the democracies of the world to his side and induce the U.S. to negotiate, or to unite public opinion against him. During the last month of the Hostage Crisis, the President began to suggest that international criminal tribunals might be held if any harm came to the hostages. The increasingly bitter attacks by President Bush upon the hostage-taking policy deflected criticism from the Administration and turned the tables on Saddam. Saddam's number one goal, even more valuable to him than holding on to Kuwait or preventing a Coalition attack, was to maintain himself in power. The prospect of being tried by the international community, as were the Nazis after World War II, was a direct threat to his political survival, and thus most likely reinforced his belief that if the hostages were harmed, war or not, his regime would come to an end. This was totally unacceptable to Saddam.

Saddam, therefore, made one more attempt to keep the Coalition at bay, combining a series of hostage releases with probes for negotiation. As it became evident that the Bush Administration would seek an authorization from the Security Council for use of force to eject Iraq from Kuwait, Saddam adopted a delaying tactic. On 18 November, Saddam announced that all the hostages would be released between Christmas

and 25 March. The announcement, timed for maximum political effect, coincided with the meeting between Mr. Bush and other world leaders of the CSCE.

The announcement was unique in that it was the first indication that *all* the hostages might be released. Yet, at the same time, it was transparent. The end of March coincided with the beginning of the Muslim Holy Month, Ramadan. If Saddam could prevent the Coalition from using force until that time, Arab members of the Coalition would be more reluctant to fight. Certainly, the presence of large numbers of forces in Saudi Arabia during the Holy Month would present King Faud of Saudi Arabia with a difficult political situation. Further, the heat of the summer would provide Saddam's forces with a significant advantage in the desert environment. Finally, the longer the Coalition could be delayed, the greater Saddam's ability to firmly entrench pro-Iraqi elements in Kuwait, and the more likely the will of the Coalition could be broken.

For all these reasons, Saddam tried one last time to utilize the hostages to protect Iraq. On 04 November, Iraqi troops began to order hostages to phone home and invite their loved ones to visit them in Baghdad for the holidays. The following day, a large group of British hostages' wives announced that they would go to Baghdad, some of them returning there after previously having been hostages themselves, and plead for the release of their husbands. The offer to allow family members to visit the hostages over the Christmas holidays, originally made on 31 October, was met with enthusiasm by many of the hostages' families, who found it hard to understand why the Administration refused to negotiate *at all*.

President Bush responded to the Iraqi ploy on 19 November:

Q: Mr. President, I know that you think this latest hostage offer from Saddam Hussein is a cynical manipulation of hostage families, but could it serve in any way as a possible precursor for some kind of negotiations to get him out of Kuwait?

A: I can't read his mind . . . And this cynicism of starting to release them on Christmas day will be seen by the world as a total ploy. And so, if you mean does it offer me hope that he's getting flexible, I don't think so.

. . . . [Saddam is] probably trying to buy anything—public support, time—anything. But *the longer he focuses on holding innocents against their will, the more he points to his own brutality.* . .

. . . . The reason they [attempts at negotiated solutions] fall short is that, in the final analysis, Saddam Hussein tells every single person that tries to be in a negotiating role, Kuwait is a province of Iraq. That is unacceptable.

. . . You can't negotiate with a terrorist. . . . And therein lies the problem [*italics mine*].¹²⁴

The hard line, however, was becoming increasingly difficult to maintain. On 22 November, Margaret Thatcher, the indefatigable supporter of nonnegotiation and Mr. Bush's staunchest ally during the crisis, resigned. On 25 November, Tony Benn, a member of the British Parliament, was in Baghdad on a humanitarian meeting with Saddam. During the three hours of talks, Mr. Benn attempted to persuade Saddam that by releasing all the hostages, he might be able to delay an impending Security Council resolution for the use of force. Saddam replied:

¹²⁴Ibid., 1637-39.

If I do that, how do you know the Americans aren't going to attack me anyway? . . . I would be happy to withdraw from Kuwait if I thought the Americans weren't going to move in and attack me from there anyway.¹²⁵

The greatest problem for the Administration, however, was that by undertaking a January offensive it would be endangering the lives of the hostages unnecessarily, since Saddam had promised to release them by 25 March. The President was never forced to make the choice.

Crisis Resolution: Saddam's Strategy Unveiled

On 29 November, the UN Security Council passed resolution 678, authorizing the use of force to remove Iraq from Kuwait and setting a deadline for withdrawal of 15 January 1991. Saddam's efforts to split the coalition had failed, although not without some cost to the United States.¹²⁶ The day after the resolution was passed, the Administration, amidst growing criticism from Congress with respect to its Gulf policy, sought to complete its efforts to garner international legitimacy. The President, announcing that he was willing to "go the extra mile for peace," on 30 November offered

¹²⁵ Tony Benn, notes from meeting with Saddam Hussein, quoted in Lewis, 440-41.

¹²⁶ The United States lobbied extensively for passage of the resolution, promising long sought-after help for Latin American and African Security Council member nations, a lifting of trade sanctions and the first meeting between Bush and the Chinese foreign minister since Tianenmen for China, and previously mentioned benefits for the Soviets (see text at note 84 above). Yemen, which did not support the resolution, had \$70 million in annual aid cut-off. Burns H. Weston, "Security Council Resolution 678 and Persian Gulf Decisionmaking: Precarious Legitimacy," in *American Journal of International Law* 85, no. 3 (July 1991): 523.

direct talks between Secretary Baker and Tariq Aziz.¹²⁷

Although the President emphasized that the talks were not to be construed as negotiations, but as a final opportunity to impress upon Iraq America's determination to ensure Iraq's withdrawal from Kuwait, Saddam evidently saw it otherwise:

Bush's initiative is a submission to Iraq's demand, on which it has insisted and is still insisting, namely, the need to open a serious dialogue on the region's issues.¹²⁸

Saddam had other reasons to believe that the U.S. might be willing to negotiate. The U.S. Congress had been debating whether the President had the constitutional authority to attack Kuwait without its authority. Moreover, France was suggesting at the beginning of December that Kuwait's borders might be adjusted if Iraq were to withdraw.¹²⁹ And, on 05 December, Thomas Pickering, the U.S. ambassador to the UN, implied that the U.S. might be willing to consider such an idea.¹³⁰

At last, the Administration appeared to be embracing a policy of coercive diplomacy. The unwillingness to enter talks had, for four months, failed to address the hostage situation. Although there were good reasons for refusing to negotiate, grounded in the concept of deterrence, the complete inflexibility of the Administration had ensured a continued escalation of the Hostage Crisis. The Security Council resolution gave

¹²⁷The author believes that that single announcement would prove critical in stifling postwar criticism of the Administration's handling of the crisis.

¹²⁸Saddam Hussein, quoted in *The London Times*, 01 December 1990. Cited in Karsh & Rautsi, 237.

¹²⁹*The London Times*, 04 December 1990. Cited in *ibid.*, 238.

¹³⁰*The Economist*, 08 December 1990. Cited in *ibid.*, 238.

President Bush international legitimacy for the use of force—the "stick." Perhaps the "carrot" of negotiations would persuade Saddam to withdraw, unconditionally, from Kuwait.

Resolution 678, with its 15 January deadline, signalled to Saddam that the Christmas-to-March strategy had failed. The other strategy—using the hostages to garner public opinion and split the coalition—also had miscarried. Further, Saddam had never expected the hostages to function as effective tactical shields. The hostages had lost all their utility for Saddam, and his keeping them threatened his very political survival. A military defeat was acceptable, a political one was not. On 06 December, Saddam announced the release of all the hostages:

... despite what they had to put up with, denying those people the freedom to travel has rendered a great service to the cause of peace.

... any measure that was taken to delay the war may not have been correct from the humanitarian and practical standpoints and under established norms, but it has provided an opportunity to prepare for any eventuality.

... the appeal by some [Arab] brothers, the decision of the Democratic majority in the U.S. Senate, and the European Parliament's invitation to our foreign minister for dialogue—all these have encouraged us to respond ...

... We have found that the exigencies that ... prevented the travel of foreigners have weakened and have been replaced by ... the change in U.S. public opinion, which will constitute a restraint on the intentions and decisions of the evil ones who are led ... by the enemy of God, Bush.¹³¹

Although the announcement came as a shock to most policy makers and foreign analysts, it was simply a result of the strategy and policy which Saddam had pursued

¹³¹ Saddam Hussein, message to the Iraq National Assembly, 06 December 1990. Quoted in Bengio, 153-56.

throughout the crisis, seen in the context of the changed political environment. Although it is true that if Saddam had intended use the hostages as tactical shields against air attacks, his decision to release them when the prospect of those attacks seemed most likely is puzzling. Indeed, if he had intended to deter Coalition attacks by using the hostages as shields, then he both seized and released them at the wrong times—at the beginning of the crisis, the Coalition could not realistically threaten his position in Kuwait, while by late November it had amassed a sizeable force threatening Iraq.

However, once it is accepted that hostages were valuable from a *strategic* standpoint, the release of the hostages makes sense. As argued in this paper, Saddam used the hostages primarily to target the *will* of the Coalition governments, using the media to reach the domestic constituencies upon whose support they depended. The nonnegotiation policy was the center of gravity, the vulnerable policy against which the attack was aimed. Throughout the Hostage Crisis, Saddam maintained one central goal—to divide the Coalition and deter or delay the onset of war as long as possible. Although partially successful in France and the Soviet Union, he was ultimately unable to break the Coalition's resolve. Indeed, President Bush turned the tables on Saddam by using the hostages to rally American and world opinion against him. The hostages, no longer useful for their propaganda value, and unlikely to delay the Coalition from using force past 15 January, were released because they had no further strategic purpose to serve.

Both sides used the hostages as policy tools, as pawns in a political game for the support of the world. For the Bush Administration, perhaps the greatest error it made was its initial pursuit of a policy of nonnegotiation together with downplaying the hostage

situation. The two were mutually incompatible, as Iraq throughout the crisis sought negotiation from a position of weakness. Each time the Administration endeavored to dissociate itself from the plight of the hostages, Saddam was willing to make his desire for peaceful resolution known via global television. Saddam's failure was in believing that the hostages could be used to bring the U.S. to the peace table, even in the face of unyielding persistence by the Bush Administration to convince him otherwise. The end result was a compromise: Saddam released the hostages, and the U.S. dropped its support for international criminal tribunals following the war.¹³²

As discussed at the beginning of this chapter, appeasement is a failed policy when undertaken with a revolutionary power.¹³³ International support for one state's position, however, may provide the other state with a face-saving opportunity to back down:

The mobilization of international institutions in support of one's position adds legitimacy to it, and denies legitimacy to the enemy. It tends to increase the costs of intransigence for the opponent, for he is then placed in the position of flaunting the will of a wider community. . . . It also decreases his cost of backing down.¹³⁴

Given the overwhelming array of nations opposed to Iraq in the United Nations, many found it inconceivable that Saddam would not withdraw from Iraq. However, the basic

¹³²Richard Haass supported the concept of Saddam's political survival being at least partially based on his protection of the hostages, saying that a change in Iraqi leadership may have been added to the list of American war aims had they been harmed. Interview by author, 10 April 1995.

¹³³"The strategy of 'conditional reciprocity'—demanding meaningful changes in policy and behavior in return for each concession or benefit—is safer and more likely to be more effective than pure appeasement in achieving resocialization in the long run." George, 50-51.

¹³⁴Snyder & Diesing, 204.

incompatibility between Saddam's hegemonic desires and the principles of the UN charter, *combined with the threat to vital interests*, ensured that diplomacy would fail so long as the allies took the hard line.

From the standpoint of *realpolitik*, the nonnegotiation policy pursued by Mr. Bush and Mrs. Thatcher seems vindicated: the hostages were freed, and Iraq ejected from Kuwait in a devastating military blow. The acid test of policy is its result, and the U.S. had achieved three of its four policy objectives outlined at the beginning of the crisis.¹³⁵ Further, the signal was sent that the members of the legitimate order would refuse to negotiate with an "outlaw," a revolutionary power, in situations involving terrorism. Yet the Coalition failed to capitalize on its military victory, settling instead for a quick ground war and removal of its troops from the region, and leaving Saddam in power to claim the political victory. Indeed, even in the face of overwhelming defeat, Saddam had preserved his minimal objective: the maintenance of power.

¹³⁵ The exception is the security and stability of the Persian Gulf, which was too ambitious a goal—the region has been in turmoil since the breakup of the Ottoman Empire. Consider Iran's stationing of missiles on the entrance to the Gulf this month, the recent turmoil threatening PLO-Israeli peace initiatives, and Turkey's current forays into northern Iraq, as a few destabilizing examples.

POLICY IN A LARGER CONTEXT: THE POST-CRISIS SITUATION

Taking a cue from Nasser during the 1956 crisis, Saddam hoped to rally Arab masses to his cause, willing to accept a military defeat in return for a political victory.¹³⁶ As war became increasingly probable, many observers could not believe that Saddam would not capitulate. However, he was in the end willing to sacrifice thousands of his troops in pursuit of a political victory, a triumph of sorts over the "evil" imperialists of the West:

In an meeting with some Palestinians a few days before the January 15 deadline, Saddam said that he knew he was in a lose-lose position. He would eventually lose a military confrontation against the American-led coalition, and would also lose if he capitulated and withdrew from Kuwait. "Shall I lose militarily or politically?" he asked, then proceeded to answer the question himself: "I shall lose militarily."¹³⁷

Snyder & Diesing propose that "a crisis may lead to war if the recognition of power realities comes too late, or if interests are so deeply incompatible."¹³⁸ Both conditions apply.

¹³⁶The lesson of the 1956 Suez Crisis learned by many Arabs was that Nasser had obtained a political victory in the wake of military defeat. Saddam, in Egypt for three years beginning in 1960, was a professed admirer of Nasser and his political tactics. Karsh & Rautsi, 21, 241.

¹³⁷Sciolino, 31.

¹³⁸Snyder & Diesing, 18.

The hostage issue has typically been treated as an example of irrational policy or behavior on the behalf of Saddam Hussein. Rather, it is illustrative of the threat to the possibility of a truly legitimate *world* order: so long as states are unhappy with that order, they will find it in their interests to undertake revolutionary policies. The author believes that the Hostage Crisis has been sublimated in analyses of the Gulf War—too little attention has been paid to the implications of the "smaller" crisis presented by the taking of hostages. The invasion of Kuwait, albeit a threat to regional security and the world's oil supply, was *in and of itself* a manageable crisis: it could have been handled using crisis-response tools with which policy makers were familiar: coercive diplomacy, alliance building, international legal sanctions, public confidence building, and the like.

It was the terrorist/revolutionary policies pursued by Saddam—using foreigners as potential "human shields," threatening Israel with chemical warheads, supporting terrorist activity against Western targets worldwide, and refusing to recognize the legitimate international system as manifested in the United Nations resolutions—which were responsible for the making the Persian Gulf Crisis so vexing. Threats to regional and international security will come increasingly from terrorist/revolutionary actions which afford neither an historical, legal, nor institutional framework sufficient for response.

The Persian Gulf Hostage Crisis illustrates the difficulties faced by crisis managers in dealing with terrorist/revolutionary threats. It shows the vulnerability of democratic peoples to exploitation of the freedoms they cherish, and the ease with which such freedoms can be challenged. Nuclear deterrence, in this context, is of little help. So long

as America is seen as the guardian of Western values or as the world's policeman, it will be subject to attack by criminals, in criminal ways. The Gulf War indicates a world ready to confront aggression when its vital interests are threatened. The Hostage Crisis points to the inadequacies of the international legal system when it comes to criminal behavior on the part of states. Alliances which appear firm may crack as states reconsider their willingness to put their citizens in danger for the sake of "humanitarian" principles.

Thus, the more likely crisis of the future, stemming from a terrorist/revolutionary challenge to a democratic state, within the international structure and committed to the rule of law, is the hostage crisis. Terrorist/revolutionary activities, by definition, will increasingly characterize the types of threats to the international system the more comprehensive that system becomes. On the day before Iraq invaded Kuwait, a five-day siege involving 46 hostages was resolved in Trinidad. On the weekend following the invasion, the U.S. rescued embassy personnel and others in Liberia to prevent a hostage situation from developing there. This is the more challenging crisis for American policy—the crisis management tools, the goals, and the public support are more difficult to find in these situations. The hostage crisis has been largely ignored by analysts precisely because it is so hard to come to grips with. The alternative is anarchy.

Brian Urquhart, in an article discussing the Gulf War, states that

it would be unwise to base thinking about the future of international security . . . too much on the Gulf experience. It is highly unlikely that such a clear case of aggression will occur in the near future in an area where the stakes are so high for

the major powers, or that its perpetrator and the manner of its perpetration will cause such universal outrage as did Saddam Hussein and his assault on Kuwait."¹³⁹

I think Mr. Urquhart sees the point and yet misses it at the same time. The Gulf experience does indeed show us a great deal about where our thinking about the future of international security should be directed—toward terrorist/revolutionary activities, outlaw states, international criminal law, and the like. It's just that most of the attention on the Gulf War has not been directed there.

¹³⁹ Sir Brian Urquhart, "The United Nations: From Peace-keeping to a Collective System?" in *The Use of Force: Military Power and International Politics*, 4th ed., Robert J. Art and N. Waltz, eds. (Lanham, MD: University Press of America, 1993), 595.

APPENDIX A
Proved Oil Reserves as of 01 January 1990

Country	Billion Barrels
Saudi Arabia	255
Iraq	100
UAE	98
Kuwait	95
Iran	93
Venezuela	59
Soviet Union	58
Mexico	56
United States	26
China	24
Libya	23
Nigeria	16
Norway	12
	<hr/>
TOTAL	915

Source: *Oil and Gas Journal*, 25 December 1989, cited in: Robert J. Lieber, "Iraq and the World Oil Market: Oil and Power After the Gulf War," in Baram & Rubin, 90.

Note: Based on reserves recoverable given 1989 technology and prices.

APPENDIX B
Chronology of the Hostage Crisis

August

- 02 Iraq invades Kuwait. Fifteen terrorists imprisoned in Kuwait since a December 1983 attack on U.S. and French embassies transferred to Baghdad. Arab League adopts resolution condemning invasion. United Nations Security Council passes resolution 660 condemning invasion. U.S. freezes Iraqi and Kuwaiti assets of \$80 billion. *Eisenhower* and *Independence* carrier battle groups ordered to the Gulf.

- 03 August 3: President Bush says integrity of Saudi Arabia a "vital interest" of the United States. Iraq announces its troops will withdraw on August 5.

- 05 Provisional government of Kuwait warns other countries that they have "interests and nationals in Kuwait" if they are considering action against the invasion.

- 06 UN Security Council passes resolution 661, imposing mandatory economic sanctions. President Bush orders "Operation Desert Shield" forces to Saudi Arabia. Hundreds of Westerners are taken from Kuwait to Iraq. Oil pipelines through Turkey closed.

- 07 Fitzwater reiterates that Americans trapped in Iraq and Kuwait not "hostages."

- 08 Bush speaks to America in television address, announcing largest deployment of troops since Vietnam and comparing Saddam to Hitler. Iraq's Revolution Command Council approves annexation of Kuwait.

- 09 Iraqi government announces that Westerners are not free to leave and that all embassies in Iraq are to be closed by August 24. UN Security Council passes resolution 662, declaring annexation of Kuwait null and void.

- 10 Saddam declares "holy war" against Coalition forces. Arab summit votes to send Arab forces to Saudi Arabia.

- 12 Saddam announces "linkage" of resolution of the Gulf Crisis to other issues in a broader Middle East peace. Bush rejects linkage and orders naval units to block Iraqi shipping.
- 13 500 Americans are estimated to have fled to Saudi border. Douglas Crossgery is shot by Iraqi troops while trying to escape to Saudi Arabia.
- 14 Iraq reiterates demand of closure for all foreign embassies in Kuwait. Bush continues to downplay hostage situation; calls hostages "inconvenienced people who want to get out. . . . The more we talk about it and the more we speculate about it, the less helpful it is, I think."
- 15 Iraq announces that all Americans, British, French, Germans, and Japanese were to assemble at designated hotels in Kuwait. Most ignore the call and go into hiding. Iraq calls detention of foreigners "temporary precautionary measure." Saddam offers peace with Iran on Iran's terms.
- 16 Iraq announces that "Foreigners may travel to Baghdad but are not permitted to leave Iraq." Bush continues to downplay hostage situation.
- 17 Iraq announces that nationals from "aggressive nations" will not be permitted to leave and will be placed at strategic sites. Thirty-five Americans detained in Baghdad hotel.
- 18 UN Security Council passes resolution 664, demanding that Iraq permit third-State nationals to leave. Marlin Fitzwater condemns use of civilians as pawns as contrary to international law and conduct.
- 19 Iraq announces it will release hostages in exchange for withdrawal of Coalition forces. Orders all Western nationals to gather at hotels.
- 20 Iraq gives embassies five more days to move to Baghdad. Bush at VFW conference refers to Americans in Iraq and Kuwait as "hostages" for first time.
- 21 Bush administration refuses to negotiate without complete Iraqi withdrawal. Thatcher rules out negotiations over hostages.
- 22 Bush announces call-up of additional reservists. Iraq announces that France and Japan will be allowed to evacuate some hostages.

- 23 CNN Stuart Lockwood broadcast. Iraqi official announces that "Nationals of the relevant states will be accorded the status they deserve in proportion to their government's hostility to Iraq."
- 24 Embassies come under siege by Iraqi troops.
- 25 Fifty-three American diplomats and dependents escape through Iraq to Turkey after being detained briefly. Austrian President Kurt Waldheim visits Saddam in Baghdad. Water and electricity cut-off to embassies.
- 27 U.S. Congress begins to question Bush's Gulf policy. Bush reiterates hard line. Iraqi diplomats in Washington expelled.
- 28 Saddam announces all women and children free to leave, proposes talks with U.S. and Britain. An American held in Basra dies.
- 30 Iraq puts visa and other requirements on women and children desiring to leave. Bush states: "We cannot permit hostage-taking to shape the foreign policy of this country, and I won't permit it to do that. . . . I will not change the policy of the United States . . . to pay homage to or give credibility to this brutal move." Soviet Union criticizes U.S. military buildup in the Gulf. Iraq announces that nationals of "countries involved in the brutal American blockade" are being moved to strategic sites. Iraq threatens to attack Israel in the event of war.

September

- 01 Jesse Jackson leaves Iraq with 47 of 1050 American hostages. 160 more Americans leave during the next few days, as part of a total of 750 freed from several nations.
- 02 Thatcher threatens international criminal tribunals if hostages harmed. Saddam responds by prohibiting foreign airlines from transporting freed hostages. Iraqi radio calls Thatcher "a gray-haired old woman . . . mentally unbalanced . . . with a canine, harsh voice."
- 03 More than 350,000 refugees are reported to have crossed into Jordan.
- 04 Moscow calls for international peace conference.
- 05 Aziz meets with Gorbachev in Moscow. Bush says that if sanctions fail, other options will be considered.

- 06 Primakov arrives in Baghdad. Bush declares that U.S. policy will not be held
blackmail to hostage-taking.
- 07 A large number of American women and children leave Baghdad. Two thousand
remain in Kuwait. State Department estimates ninety American men are detained at
strategic sites.
- 08 Saddam transmits message to Bush and Gorbachev, urging the Soviet Union to "reject
the discriminatory approach which the United States of America is following."
- 09 Bush and Gorbachev summit. Disagreement over use of military force.
- 10 Saddam offers free oil to any Third World country that can transport it.
- 11 Iran and Iraq resume full diplomatic relations. Bush reiterates that "America and the
world will not be blackmailed by this ruthless policy" of hostage-taking.
- 12 U.S. warns Iraq that it will be held responsible for terrorist acts.
- 14 Iraq sends troops into the French, Dutch, and Belgian embassies in Kuwait and arrests
their personnel. Iraqi diplomats expelled from those countries.
- 15 All French sick and elderly released.
- 16 UN Security Council passes resolution 667, pertaining to diplomatic personnel and
demanding release of foreign nationals. Bush addresses the people of Iraq, warns of
war. General Dugan relieved for suggesting that air power be used to "decapitate"
Iraqi leadership.
- 19 Nearly four hundred American women and children fly out of Iraq. Iraq warns that
it will destroy oil wells and respond with terrorist actions if attacked.
- 21 Bush expresses increased concern over hostages, saying "I'll tell you what concerns
me...are the debriefings from these people coming out of Kuwait...[the reports] evoke
enormous outrage."
- 23 Mitterrand plan to settle all Middle East disputes (linkage) announced.
- 24 Bush meets with Arab-American community, stating "No negotiations. Withdrawal
totally from Kuwait."

- 25 UN Security Council passes resolution 670, instituting air embargo of Iraq.
- 28 Brent Scowcroft announces that the destruction of Kuwait makes less time available in allowing sanctions to work.

October

- 01 Bush addresses UN General Assembly and expresses desire for peaceful resolution of crisis, saying that if Iraq withdraws it would help Arab-Israeli differences.
- 01-14 All Finns and Spaniards are released by Iraq, together with some Germans and nine French citizens.
- 05 Primakov meets with Saddam again.
- 08 Israeli police kill more than twenty Palestinians during unrest on Temple Mount.
- 12 Germany and Belgium close Kuwait embassies.
- 14 UN Security Council unanimously condemns Israel for death of Palestinians. Soviet news reports that Iraq might withdraw if allowed to keep Bubiyan and Warbah Islands.
- 15 Moscow expresses caution about military action to remove Iraq and concern for Soviet citizens in Iraq.
- 16 Baker rejects Iraqi desire for a compromise solution.
- 17 U.S. Senate members demand that Bush seek congressional approval before taking military action.
- 19 Bush meets with Primakov, rejects compromise solution.
- 20 Heath arrives in Baghdad. Thatcher "hit the roof, . . . furious."
- 22 Saddam suggests that all French hostages and a dozen Americans allowed to leave. French suggest that settlement of Palestinian-Israeli conflict could be linked to a resolution of the Gulf Conflict.

- 23 Bush reaffirms hard line, saying "There can never be compromise—any compromise—with this kind of aggression" and comparing Saddam with Hitler. Suggests international criminal tribunals if hostages harmed.
- 24 Iraq suggests that hostages from countries with no hostile intent could leave. Heath flies home with 35 British citizens and a promise of 37 more. French government responds to charges of a unilateral compromise by announcing it will not change its previous policy of insisting on the Iraqi withdrawal.
- 27 Primakov arrives in Baghdad. Former Japanese Prime Minister Yasuhiro Nakasone announces he will make a mercy mission to Iraq. Soviet Union requests a vote delay on an upcoming Security Council resolution calling for evidence of Iraqi war crimes.
- 28 Gorbachev and Mitterrand meet in Paris.
- 29 UN Security Council passes resolution 674, citing "grave breaches," demanding an end to hostage-taking, and informing Iraq it is liable for personal and property damages. All 298 of remaining French hostages arrive in France.
- 30 Congressional leaders again urge Bush to rethink military action. Saddam puts forces on alert. Iraq is reported to have moved equipment from suspected targets.
- 31 Iraqi ambassador to Washington says that families can visit guests over Christmas. Bush says "The American flag is flying over the Kuwaiti Embassy, and our people inside are being starved by a brutal dictator. . . . I have had it with that kind of treatment of Americans." Hussein announces in a CNN interview that sanctions will not force Iraq to withdraw from Kuwait.

November

- 01 Iraqi parliament decides to release all Bulgarians, who are not part of the "imperialist plot". Bush reiterates his impatience over the hostage issue and states that time is running out for Saddam Hussein. Iraqi officials, in a letter to Mitterrand and Gorbachev, say that all foreigners will be allowed to leave in return for their support against the use of force.
- 02 Bush says "It is only the United States that has the . . . total commitment to stay the course and see that this aggression is turned back."

- 03 Four sick and elderly Americans permitted to leave. Iraq makes a general offer to release the hostages if Iraq is not attacked. Offer rejected by U.S.
- 04 Baghdad orders British hostages to phone home. Nakasone meets with Saddam.
- 05 Willy Brandt mission meets with Saddam. Wives of British hostages announce they will go as guests to plead for release of their husbands.
- 06 Nakasone leaves with 108 hostages, 77 Japanese.
- 07 Brandt secures release of 193 hostages, including three Americans. Fitzwater announces that the mercy missions "walk a very fine line between trying to help their countrymen and being used by Saddam Hussein for inhuman treatment of the hostage families and the hostages themselves." Arab diplomats disclose meeting of Cheysson and Aziz a week earlier.
- 08 Bush orders an additional 150,000 military personnel to the Persian Gulf to augment the 230,000 there already, giving the force an "offensive military option."
- 09 Iraq announces all 2000 Soviets are permitted to leave.
- 11 Powerful members of Congress express concern that Bush is exceeding constitutional limits.
- 13 Baker says that Iraq's actions are a threat to the U.S. economy and jobs.
- 15 Primakov suggests that a Security Council resolution authorizing the use of force should be delayed. Saddam says on ABC news that he is willing to negotiate but will not accept preconditions such as withdrawal.
- 16 First major American-Saudi military exercise "Imminent Thunder", six days long, near the Kuwait border.
- 18 Saddam announces that *all* guests will be permitted to leave between Christmas and 25 March. Announcement coincides with opening of CSCE.
- 19 Bush rejects Saddam's hostage offer, saying "This cynicism of starting to release them on Christmas day will be seen by the world as a total ploy. . . . You can't negotiate with a terrorist. . . . And therein lies the problem." Fails to obtain Soviet support for use of force resolution during meetings in Paris.

- 20 Iraq announces it will release all German hostages, as well as 200 Dutch and 169 Bulgarians, to encourage the European nations to break with American policy. British estimates of their nationals as follows: 304 hostages including a handful of women; 83 held at Regency Palace Hotel; 650 in hiding in Kuwait; 500 not permitted to leave but at liberty in Iraq. Britain, U.S., Oman, Bahrain, France only embassies remaining open in Kuwait.
- 22 Thatcher resigns. 119 hostages released as a result of visits by Swiss and French delegations.
- 24 British women plead with Saddam for husbands' release. Poll of American public opinion shows support for diplomatic resolution of crisis by 7:3.
- 25 Tony Benn, member of Parliament, and Mohammed Ali travel to Baghdad. Scowcroft says that Iraqis might possess a nuclear weapon in months and that it is considering terrorist actions against American targets.
- 26 Benn talks with Hussein and pledges for the release of more hostages. Gorbachev warns Aziz that Iraq must withdraw or face a "tough resolution."
- 27 Hussein announces release of husbands whose wives came. Aziz says that Iraq "will never succumb to pressure" but will negotiate if other Middle East issues are discussed.
- 29 UN Security Council passes resolution 678, authorizing the use of "all necessary means" to restore international peace if Iraq does not withdraw by January 15. Yemen and Cuba vote against the resolution, China abstains. Saddam says that Iraq is prepared to fight against the U.S.
- 30 Saddam reiterates invitation to relatives to join 'guests' over Christmas. Bush offers direct talks with Iraq between 15 December and 15 January, to go "the extra mile for peace." He reassures the American public it "will not be another Vietnam."

December

- 01 Iraq announces acceptance of talks without setting a date.
- 02 Saddam says hostages will be released if Iraq is not attacked before March 25. Baker says U.S. will not attack if Iraq withdraws from Kuwait.

- 04 Baghdad announces all 3,300 Soviet citizens can leave after Moscow threatens to send troops. House Democrats adopt policy statement requiring congressional approval for military action.
- 06 Saddam announces release of all hostages. Bush says U.S. will continue to demand withdrawal from Kuwait.
- 07 Iraqi National Assembly approves release of hostages.
- 08 Iraqi officials say that proposed talks with Baker cannot occur before January 12. Bush says that the release of the hostages "facilitates the tough decisions that might lie ahead."
- 09 More than 1,000 Westerners, including 163 Americans, are evacuated from Iraq and Kuwait.
- 10-17 Most of remaining 2,000 hostages flown out of Iraq and Kuwait.

Sources:

BBC World Service, *Gulf Crisis Chronology*
Bengio, *Saddam Speaks*
Bush, *Public Papers*
Lewis, *The Human Shield*
Nye and Smith, *After the Storm*, Appendix A
Rubin et. al., *Gulfwatch Anthology*
Sciolino, *The Outlaw State*
The New York Times and other newspapers

APPENDIX C
Foreigners Detained in Kuwait and Iraq

Country	In Kuwait	In Iraq	Total
Bulgaria		5,000	5,000
Egypt	150,000	700,000	700,000
France			400
Great Britain	3,000	2,000	5,000
Greece			400
Ireland			350
Italy			500
Japan	275	380	655
Poland		5,000	5,000
South Asia	400,000		400,000
South Korea	600	600	1,200
Soviet Union		5,000	5,000
Spain			200
Sweden			160
Turkey		60,000	60,000
United States	2,500	600	3,100
West Germany			900
Yugoslavia			12,000
TOTAL	556,375	778,580	1,347,065

Source: *NYT* 15 August 1990.

Notes: State Department estimates. The figures for South Asia include workers from India, Pakistan, Sri Lanka, and Bangladesh. The (roughly) 300,000 Palestinians are not included, as they were the greatest source of popular support for the invasion among the Arab masses and were never in danger. The figures indicate the numbers of third-state nationals suspected of being in Iraq and Kuwait, not the number that were taken hostage. Of the 5,000 British nationals, for example, only about 750 were actually taken hostage while an estimated 700 remained in hiding throughout the crisis (Lewis, 249). American, British, German, Japanese, and French nationals were the primary targets as hostages.

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